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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., THURSDAY, MAY 6, 1937. No. 54.

SENATE

THURSDAY, May 6, 1937.

The Senate met at 12 o'clock noon.

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Reverend Frank W. Ruth offered the following prayer:

Almighty God, our heavenly Father, we thank thee for life and for the opportunity to serve. We pray that Thy holy spirit will guide us through this day, that we may be an honor to Thy name and a blessing to Thy fellowman. In the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LAW, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Wolfenden asked and obtained leave of absence for Mr. WOODWARD who is attending the Shapiro Committee meeting in Philadelphia.

PETITIONS

The Chair cleared his table and laid before the Senate the following communications:

URGING THE ADOPTION OF BILLS EMBODYING THE GOODRICH REPORT

Petition from Pat Brennan and Wm. Sobers, Chairman of the County Branch, urging the adoption of the bills embodying the Goodrich Report, in the form now written.

Which was referred to the Committee on Welfare.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Imelda Guentner, Millvale.

FRANKLIN COUNTY

Miss Mildred S. Brown, Chambersburg.

PHILADELPHIA COUNTY

Chas. Hackenburg, 1723 Belfield Ave., Philadelphia.
Mrs. Dorothy Smith, 638 Public Ledger Bldg., Philadelphia.

VENANGO COUNTY

William L. Welch, Oil City.

WARREN COUNTY

Edmund D. Clapp, Tiona, Mead Township.

GEORGE H. EARLE.

EMPLOYEE OF SENATE

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The Chief Clerk announced the appointment of Adam Keller, 336 West South Street, Carlisle, Cumberland County, as Page, vice Verdun C. Delp, resigned.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 176

The Clerk of the House being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 176, entitled:

An Act to amend section two hundred and sixty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," making Sunday fishing with rods and lines lawful under certain circumstances.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 923

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 923, entitled:

An Act to amend section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 920) entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor

and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work

HOUSE CONCURS IN RESOLUTIQN RECALLING FROM THE GOVERNOR SENATE BILL No. 22

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 5, 1937.

Resolved (if the House of Representatives concur) That Senate Bill No. 22, entitled:

An Act to amend section one of, and to add sections two and three to, the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation;" amplifying the powers of said commission to include the industrial, educational and agricultural interest and other facilities, advantages and attractions of the Commonwealth, to provide for programs of information advertising and publicity, to coordinate advertising activities, and to provide for exhibits at fairs, expositions and celebrations.

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 372

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 5, 1937.

Resolved (if the House of Representatives concur), That Senate Bill No. 372, entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class in counties of the fourth class

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 801 RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (P. L. 108) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" transferring the jurisdiction therein vested in the municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 377

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 5, 1937.

Resolved (if the Senate concur), That House Bill No. 377, entitled:

An Act to re-enact and further amend the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1409), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county;" extending said act to all counties of this Commonwealth.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE BILL No. 311

He also returned to the Senate, Senate Bill No. 311, entitled:

An Act authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic or other mechanical process; and relating to the effect and use of such copies and records.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 404

He also returned to the Senate, Senate Bill No. 404, entitled:

An Act to amend section one of the act, approved the eleventh day of June one thousand nine hundred and thirty-five (Pamphlet Laws 336) entitled "An act authorizing the courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or

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participation in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent acts of Assembly," extending said act for a further period of two years.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 429

He also returned to the Senate, Senate Bill No. 429, entitled:

An Act to amend sections two, three, four and six of the act, approved the fifth day of June, one thousand nine hundred thirteen (P. L. 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorium (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof", by imposing duties on public health nurses, social workers, county medical directors, and physicians, and increasing penalties for violation of said act.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 568

He also returned to the Senate, Senate Bill No. 568, entitled:

An Act to amend sections one, two, three and section nine as amended, of the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888), entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties," by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable; shortening reports required of physicians in such cases; clarifying the duration of placarding; and empowering the Department of Health to obtain additional information from local health authorities.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 671

He also returned to the Senate, Senate Bill No. 671, entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 677

He also returned to the Senate, Senate Bill No. 677, entitled:

An Act to amend section two thousand seven hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1203), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" providing that townships of the first class shall have the power to develop their own water supply.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 775

He also returned to the Senate, Senate Bill No. 775, entitled:

A Supplement to an act, approved the twentieth day of July, one thousand nine hundred thirty-five (one thousand nine hundred thirty-five Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie, available for the purchase of land to be available for the burial of deceased members of the home.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 806

He also returned to the Senate, Senate Bill No. 806, entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand eight hundred and seventy-nine (P. L. 147), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth," increasing the compensation of coroner's jurors.

with the information that the House has passed the same without amendment.

HOUSE MESSAGES

SENATE BILL No. 366 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 366, entitled:

An Act to amend sections three, four and six of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects, and to lease the same, and to fix and collect fees, rentals and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing for additional projects; removing the date by which projects must be commenced removing certain restrictions against the construction of projects; extending the life of such Authority; clarifying the powers of a receiver appointed pursuant to

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such act so as to prohibit such receiver from selling, assigning, mortgaging, or otherwise disposing of any of the assets belonging to the Authority; and clarifying certain provisions of said act.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 64 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 64, entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 425 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 425, entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers; providing for wage boards, and defining the powers and duties of such boards and of the Department of Labor and Industry; imposing duties on employers; providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders; and providing penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 640 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 640, entitled:

An Act to encourage the making and maintaining of agreements concerning wages, hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL No. 190 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 190, entitled:

An Act to amend clause (f) of section two hundred eight of the act approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 7), entitled "An act establishing a system of unemployment compensation to be administered by the department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties"; providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged, and who were honorably discharged from such service.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL No. 390 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 390, entitled:

An Act relating to the performance of industrial work in homes; regulating, and, in certain cases, prohibiting industrial homework; imposing duties, restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly, furnishing materials and articles to home-workers for manufacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; imposing an excise tax, and providing for the collection thereof; conferring powers and imposing duties on the Department of Labor and Industry and the Department of Revenue; and prescribing penalties.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL No. 528 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 528, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township, Lebanon County.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL No. 1273 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1273, entitled:

An Act to amend section eleven of the act approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the con-

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solidation of boroughs, and the government and regulation thereof;" making further regulations for the election of justices of the peace in such consolidated boroughs.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 141 (Senate Bill No. 1172), entitled:

An Act making an appropriation to the Supreme Court for a portrait of the former Chief Justice of said court.

Which was committed to the Committee on Appropriations.

House Bill No. 142 (Senate Bill No. 1173), entitled:

An Act making an appropriation to the Supreme Court for a portrait of the Chief Justice of said court.

Which was committed to the Committee on Appropriations.

House Bill No. 158 (Senate Bill No. 1174), entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts

Which was committed to the Committee on Forests and Waters.

House Bill No. 392 (Senate Bill No. 1175), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Which was committed to the Committee on Appropriations.

House Bill No. 470 (Senate Bill No. 1176), entitled:

An Act to amend Route 18033 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law" as added.

Which was committed to the Committee on Highways.

House Bill No. 564 (Senate Bill No. 1177), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest in this Commonwealth.

Which was committed to the Committee on Appropriations.

House Bill No. 717 (Senate Bill No. 1178), entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "Revised Price Act of 1917," extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

Which was committed to the Committee on Judiciary General.

House Bill No. 718 (Senate Bill No. 1179), entitled:

An Act to describe, define, and officially adopt a system of coordinates for designating the positions of points on the surface of the earth within the Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.

House Bill No. 729 (Senate Bill No. 1180), entitled:

An Act to permit the entry of engineers and surveyors and their representatives onto private property for the purpose of using survey stations established by or under the direction of the United States Coast and Geodetic Survey, or as a part of the Pennsylvania Coordinate System, and providing a penalty for the injuring, defacing and destruction of marks and monuments.

Which was committed to the Committee on State Government.

House Bill No. 956 (Senate Bill No. 1181), entitled:

An Act making an appropriation out of the Motor License Fund to the Auditor General, State Treasurer and Secretary of Highways as the Commission of the Commonwealth of Pennsylvania, for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

Which was committed to the Committee on Appropriations.

House Bill No. 957 (Senate Bill No. 1182), entitled:

An Act making an appropriation out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission for the purpose of acquiring the toll bridge at Dingman's Ferry over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey.

Which was committed to the Committee on Appropriations.

House Bill No. 1006 (Senate Bill No. 1183), entitled:

An Act to amend Article ten of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by making it unlawful to interfere with drains and ditches under or along county highways; and prescribing penalties.

Which was committed to the Committee on Highways.

House Bill No. 1021 (Senate Bill No. 1184), entitled:

An Act for the protection of employes by prohibiting those in authority over such employes to request, solicit or require employes to affix signatures to petitions or to threaten or intimidate employes for such purpose.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1133 (Senate Bill No. 1185), entitled:

An Act making an appropriation for the purpose of maintaining the public roads, and improving and replacing bridges thereon through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1144, (Senate Bill No. 1186), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways.

Which was committed to the Committee on Appropriations.

House Bill No. 1145, (Senate Bill No. 1187), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Which was committed to the Committee on Appropriations.

House Bill No. 1151, (Senate Bill No. 1188), entitled:

An Act providing for the return to the State Insurance Fund of moneys transferred therefrom to the General Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1184, (Senate Bill No. 1189), entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, approximately 7.224 acres of land in Tinicum Township, Delaware County, sometimes known as "Printz Park," or as "Printz-Lindberg Park," to be known hereafter as "Governor Printz Park"; providing for the control, management, supervision, restoration, improvement and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof.

Which was committed to the Committee on State Government.

House Bill No. 1186, (Senate Bill No. 1190), entitled:

An Act authorizing school districts to make contracts of group life, health and accident insurance for the benefit of pupils in vocational schools, at the expense of the school district; defining the status of the school district and pupils under existing and future insurance laws; and requiring school districts to make certain reports to the Department of Public Instruction.

Which was committed to the Committee on Education.

House Bill No. 1333, (Senate Bill No. 1191), entitled:

An Act to amend section one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-nine (P. L. 1804), entitled "An act relative to certain judgments, prescribing duties of prothonotaries; and repealing prior legislation;" requiring a certificate of the address of the defendants on the entry of certain judgments.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1354, (Senate Bill No. 1192), entitled:

An Act to further amend Section two thousand two hundred and twenty-three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine) entitled "Public School Code," as amended, by regulating the retirement of and providing additional retirement allowance for superintendents of schools and superintendents of buildings in districts of the first class, under certain circumstances, and authorizing such school districts to provide for the payment of such additional allowances.

Which was committed to the Committee on Education.

House Bill No. 1355, (Senate Bill No. 1193), entitled:

An Act to amend paragraphs one, three and five of section one of the act, approved the twelfth day of June, one thousand eight hundred and ninety-three, (P. L. 457), entitled "An act to provide for the erection, maintenance and regulation of public morgues in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district, or by the estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead," as amended, by transferring certain powers from the county commissioners to the coroner in counties of the first class.

Which was committed to the Committee on City Government.

House Bill No. 1433, (Senate Bill No. 1194), entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended, permitting State institutions and sanatoria to supply water to individuals.

Which was committed to the Committee on State Government.

House Bill No. 1508, (Senate Bill No. 1195), entitled:

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress.

Which was committed to the Committee on Appropriations.

House Bill No. 1524, (Senate Bill No. 1196), entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "Barbers License Law" by modifying the provisions relating to barber schools, and licensing of persons as barbers, and the issuing of renewal, student or apprentice permits; providing additional grounds for suspension and revocation of permits and registrations; discontinuing the use of the term "barber college"; and prescribing penalties.

Which was committed to the Committee on State Boards.

House Bill No. 1540, (Senate Bill No. 1197), entitled:

An Act to repeal section ten of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "Licensed Weighmasters Act."

Which was committed to the Committee on Mines and Mining.

House Bill No. 1644, (Senate Bill No. 1198), entitled:

An Act to amend sections, one, two, four and fifteen of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven, (P. L. 465), entitled "Fire Safety Building Regulation Law" as amended; extending the provisions of said act to additional buildings; providing additional safety regulations and for the closing of certain buildings.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1671, (Senate Bill No. 1199), entitled:

An Act to amend clause A of section two hundred and two of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "Business Corporation Law," as amended, restricting the use of certain words in corporate names.

Which was committed to the Committee on Corporations.

House Bill No. 1693, (Senate Bill No. 1200), entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land.

Which was committed to the Committee on Municipal Government.

House Bill No. 1732, (Senate Bill No. 1201), entitled:

An Act to amend sections three hundred seventy-one and six hundred seventy, section seven hundred thirty-two as amended, sections seven hundred thirty-three, eight hundred seventy-six, and eight hundred ninety-six of, and to add section seven hundred thirty-seven to, the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," further regulating tax levies, bond issues, appropriations, and the procedure for rebuilding bridges in such counties.

Which was committed to the Committee on Municipal Government.

House Bill No. 1745, (Senate Bill No. 1202), entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1788, (Senate Bill No. 1203), entitled:

An Act to amend section five hundred and forty-five, of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," as amended providing for the audit of the accounts of justices of the peace.

Which was committed to the Committee on Municipal Government.

House Bill No. 1798, (Senate Bill No. 1204), entitled:

An Act to repeal clause (c) as amended, and to amend clause (d) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "Fiduciaries Act of 1917" eliminating certain provisions relating to foreign fiduciaries selling, assigning, transferring and receiving the income from certain assets of decedents, minors and costui que trusts.

Which was committed to the Committee on Judiciary General.

House Bill No. 1879, (Senate Bill No. 1205), entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 450), entitled "Alienation of Affections and Breach of Promise Act," correcting an error in said section.

Which was committed to the Committee on Judiciary General.

House Bill No. 1997, (Senate Bill No. 1206), entitled:

An Act to amend sections one and two of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 450), entitled "State Fire Marshal Law," conferring police and building inspection powers on assistants appointed by the superintendent of State Police.

Which was committed to the Committee on Public Health.

House Bill No. 2039, (Senate Bill No. 1207), entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "Sunday Motion Pictures Law," further providing when referendums may be held; and making persons filing petitions liable for the cost of printing ballots.

Which was committed to the Committee on City Government.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 311, entitled:

An Act authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic or other mechanical process; and relating to the effect and use of such copies and records.

Senate Bill No. 404, entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand nine hundred and thirty-five (P. L. 336), entitled "An act authorizing courts to stay legal proceedings, except in certain cases, against banks, bank and trust companies, and trust companies where any such corporation has guaranteed, or otherwise obligated itself, to pay in cash the amount or value of trust, or other funds, placed with it for investment, and the same have been invested in mortgages, or participation in mortgages, or in pools or funds of mortgages, and suspending the operation of the Statute of Limitations, and inconsistent acts of Assembly; extending said act for a further period of two years.

Senate Bill No. 429, entitled:

An Act to amend sections two, three, four and six of the act, approved the fifth day of June, one thousand nine hundred thirteen (P. L. 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorium (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof", by imposing duties on public health nurses, social workers, county medical directors, and physicians, and increasing penalties for violation of said act.

Senate Bill No. 568, entitled:

An Act to amend sections one, two, three and section nine as amended, of the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888), entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties," by eliminating list of communicable diseases and giving authority to the De-

partment of Health to declare by regulation what diseases are communicable or communicable and quarantinable; shortening reports required of physicians in such cases; clarifying the duration of placarding; and empowering the Department of Health to obtain additional information from local health authorities.

Senate Bill No. 671, entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties.

Senate Bill No. 677, entitled:

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that townships of the first class shall have the power to develop their own water supply.

Senate Bill No. 775, entitled:

A Supplement to an act, approved the twentieth day of July, one thousand nine hundred thirty-five (One thousand nine hundred thirty-five Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie, available for the purchase of land to be available for the burial of deceased members of the home.

Senate Bill No. 806, entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand eight hundred and seventy-nine (P. L. 147), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth," increasing the compensation of coroner's jurors.

Senate Bill No. 801.

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventen (P. L. 108) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" transfering the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

Whereupon, The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same

REPORTS FROM COMMITTEES

Mr. EROE, from the Committee on State Government, reported as committed, Senate Bill No. 1166, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college, and making an appropriation.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 642, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase, condemnation, or otherwise, for State Park purposes.

Also, from the Committee on State Government, re-reported as amended, Senate Bill No. 1033, (House Bill No. 1651), entitled:

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members.

Mr. REED, from the Committee on State Government, reported as committed, Senate Bill No. 650, entitled:

An Act relating to weights and measures; regulating the weights and deliveries of commercial laundries, performing, selling or offering for sale laundry services on the basis of weight; and providing penalties.

Mr. CAVALCANTE, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 248, (House Bill No. 140), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto a section.

Also, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 710, entitled:

A Joint Resolution proposing an amendment to Article nine, section eight, of the Constitution of the Commonwealth of Pennsylvania.

Also, from the Committee on Constitutional Changes reported as committed, Senate Bill No. 963, (House Bill No. 71), entitled:

A Joint Resolution proposing an amendment to Article one, section six of the Constitution of the Commonwealth of Pennsylvania.

Also, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 1137, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding section eighteen.

Also, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 1171, entitled:

A Joint Resolution proposing an amendment to Article nine, section fifteen of the Constitution of the Commonwealth of Pennsylvania.

Also, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 1149, (House Bill No. 1557), entitled.

A Joint Resolution proposing an amendment to Article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Mr. HOMSHER, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 1011, (House Bill No. 817), entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Also, from the Committee on State Government, reported as amended, Senate Bill No. 585, entitled:

An Act providing for the establishment of a State Youth Commission and local Youth Commissions and prescribing their powers and duties.

Mr. FREY, from the Committee on Labor and Industry, re-reported as amended, Senate Bill No. 199, entitled:

An Act to amend section one, section three, as amended, sections seven and thirteen, and section seventeen as amended, and to repeal section six of the act approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," as amended, by excepting from the provisions of the act certain occupations and professions, further regulating the hours of labor; eliminating existing provisions permitting overtime work in certain cases and the exemption for the canning industry; imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry; and providing penalties.

Also from the Committee on State Government, reported as committed, Senate Bill No. 836 (House Bill No. 455), entitled:

An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred seventy-nine) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as amended increasing the compensation of members of the General Assembly

Also from the Committee on State Government, reported as committed, Senate Bill No. 1130, entitled:

An Act to further amend the act approved the fifteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws five hundred thirty-four) entitled "An act relating to motion-picture films, reels, or stereopticon views or slides; providing a system of examination, approval and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of the act," by prohibiting the possession of motion picture films, reels or views not approved; requiring permits in certain cases; and increasing penalties.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1154, entitled:

An Act to amend article four of the act approved the seventh day of March, one thousand nine hundred one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class," transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

Mr. KILGALLEN, from the Committee on Municipal Government, reported as amended, Senate Bill No. 1158, entitled:

An Act providing a method of annexation of townships and parts of townships to cities and boroughs, and regulating the proceedings pertaining thereto.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1133, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1029 (House Bill No. 1113), entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, and one thousand nine hundred and thirty-five, and validating the liens of such taxes.

Mr. LAW, from the Committee on Education, reported as amended, Senate Bill No. 1049, entitled:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, prohibiting seditious teaching in public and private schools.

Also from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 87, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

Also from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 865 (House Bill No. 1172), entitled:

A Joint Resolution proposing an amendment to section one, Article nine of the Constitution of the Commonwealth of Pennsylvania.

Also from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 1043, entitled:

A Joint Resolution proposing an amendment to section four, Article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. McCREESH, from the Committee on Corporations, reported as committed, Senate Bill No. 339, entitled:

An Act to amend the act, approved the thirteenth day of May, one thousand eight hundred and eighty-nine, (P. L. 205), entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged," by making the same applicable to the surviving company in case of a merger and by modifying the limitations, restrictions and conditions affecting the issue of stocks and bonds.

Also from the Committee on Corporations, reported as committed, Senate Bill No. 314, entitled:

An Act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine," so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof and the rights of dissenting stockholders.

Mr. McGINNIS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1153, entitled:

A Supplement to the act approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of the cities of the second class;" establishing a Department of Lands and Buildings in said cities; providing for its officers and employes; defining the powers, duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1156, entitled:

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of waterworks and for extensions and improvements to waterworks; providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers; and establishing the rights of bondholders.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1157, entitled:

An Act authorizing and empowering cities of the second class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase, lease, gift, and the power of eminent domain, and to use, sell and purchase water within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages, and repealing inconsistent laws.

Mr. RICE, from the Committee on Education, reported as committed, Senate Bill No. 1020, entitled:

An Act to amend section two thousand six hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for the employment by school auditors and for the compensation of an attorney.

Also, from the Committee on State Boards, reported as committed, Senate Bill No. 794 (House Bill No. 647), entitled:

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and employes commence actions to prevent violations of law and to surcharge members of authorities supervise rentals charged by limited dividend companies charge fees for services providing for the selection and removal of the board's employes providing for appeals from its orders and making an appropriation

Also, from the Committee on State Boards, reported as committed, Senate Bill No. 1148 (House Bill No. 1411), entitled:

An Act to further amend the act approved the thirtieth day of March, one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith," by conferring certain powers on the State Board of Optometrical Examiners, further regulating and providing for the licensing of branch offices, prescribing additional grounds for refusing, cancelling, revoking or suspending licenses and making certain changes as to persons who are and those who are not subject to the provisions of the act.

Mr. HEYBURN, from the Committee on Legislative Apportionment, reported as amended, Senate Bill No. 1072, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators.

Mr. STIEFEL, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1120, entitled:

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May, one thousand nine

hundred and twenty-three (Pamphlet Laws two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claims.

Also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1093 (House Bill No. 905), entitled:

An Act prohibiting industrial police from carrying weapons when not on duty, requiring them to leave the same at place of employment and prescribing penalties.

Mr. PYTKO, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1138, entitled:

An Act prohibiting the sale, transfer, purchase, ownership, possession and use of tear and noxious gas, and tear gas guns; providing certain exemptions; and providing penalties.

Mr. WOLFENDEN, from the Committee on Insurance, reported as amended, Senate Bill No. 1025, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen, Article four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds Associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended, further defining group life insurance.

Also, from the Committee on Education, reported as committed, Senate Bill No. 847, entitled:

An Act to amend section five hundred thirty-eight, and sections five hundred forty and five hundred forty-one as amended, and to repeal section five hundred thirty-nine of the act, approved the eighteenth day of May, one thousand and nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for taxation in school districts of the second, third and fourth class on the basis of assessments and valuations for county purposes.

BILLS INTRODUCED

Mr. JACOBS read in his place and presented to the Chair Senate Bill No. 1208, enittled:

An Act to amend sections twelve and fourteen, as amended, of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" granting certain retirement rights to persons who have withdrawn from and returned to school service; and to persons who have separated from school service because of physical or mental disability.

Which was committed to the Committee on Education.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 1209, entitled:

An Act creating the Pennsylvania Industrial Police; defining their powers; providing for the training and assignment of such police to persons, copartnerships, associations and corporations for duty; providing for the use of unassigned men in police work; regulating the payment of such police; creating the Industrial Police Fund; and making an appropriation.

Which was committed to the Committee on Labor and Industry.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 1210, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons, firms or corporations to erect an office building, and to lease such office building for the use of the Commonwealth, the same to become the property of the Commonwealth upon termination of said lease.

Which was committed to the Committee on Judiciary General.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 1211, entitled:

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 1212, entitled:

An Act providing for the establishment in counties of the first class of different rates of taxation on land and the improvements thereon by means of separate assessments of the land values and the values of improvements on or in the land and fixing the percentages of the total amount of revenue from taxes on real property to be borne by unimproved land and by improvements on or in the land in the year, one thousand nine hundred and thirty-eight and thereafter.

Which was committed to the Committee on City Government.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 1213, entitled:

An Act to amend clause (b) of section eleven of the act, approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties

of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," as amended; providing for the qualification of additional osteopathic surgeons.

Which was committed to the Committee on Public Health.

RESOLUTION

CONDOLENCE ON THE DEATH OF MRS. ANNE FROMMEYER, SISTER OF HONORABLE JOHN B. KELLY, OF PHILADELPHIA

Mr. McCREESH offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1937.

Whereas, Word has just been received of the death of the devoted sister of Honorable John B. Kelly, Mrs. Anne Frommeyer of Philadelphia: and

Whereas, The Senate is deeply appreciative of the grief and loss to the members of the family who survive, and deem it only fitting at this moment to extend an expression of sympathy, therefore, be it

Resolved, That the Senate of Pennsylvania having learned that the Honorable John B. Kelly and his family have suffered their second loss within a short period of time, and knowing of the love and affection that existed between Mr. Kelly and his sister, the Senate extends this token of deep and profound sympathy,

Resolved, That a copy of this resolution be transmitted to Honorable John B. Kelly of Philadelphia by the Secretary of the Senate.

The PRESIDENT. It is the intention to dispense with the reading of bills on third reading except the bills that are contemplated to be amended. If there is any bill on the calendar which any Senator desires to amend, he may call it up.

ACTION ON BILLS ON FINAL PASSAGE AND THIRD READING DEFERRED

Mr. RICE. Mr. President, I ask that action on bills on final passage and third reading, be deferred until Monday.

Mr. McCREESH. Mr. President, I second the motion.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1012, (House Bill No. 843), as follows:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of July one thousand nine hundred and thirty-seven it shall be unlawful for any person partnership association or corporation in the cities of this Commonwealth to advertise or hold out by any means that any sale of goods wares and merchandise is an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing out sale or a sale of goods damaged by fire smoke or water unless a license is first obtained to conduct such sale from the treasurer of the city in which it is to be held

Section 2 Upon application for such license the applicant shall make a full disclosure under oath of the following information The true name of the owner of the goods to be offered for sale the name of the operator of the sale if a person other than the true owner a full and complete inventory of the quantity kind and character of the goods to be offered for sale which shall be prepared in the following manner First a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license second a listing of all goods received in stock within the fifteen days immediately preceding the application for the license third a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale the method by which the applicant for the license or the true owner of the goods if a different person acquired title to the same and the reason for the urgent and expeditious disposal thereof The said treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is made in such application the said treasurer may refuse the license.

Section 3 It shall be the duty of each such licensee to post a copy of the said application in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same

Section 4 Any person conducting or being responsible for any sale as set forth in section one hereof without first having obtained the license or any person making or being responsible for any misrepresentation in connection with the goods so offered for sale or sold shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) or to imprisonment for a term of not exceeding thirty days The right to appeal from such conviction shall exist as in other cases of summary convictions

Section 5 Any license so granted as aforesaid shall be good for no more than a period of ninety days and shall not be renewable nor shall any other such license be granted to the same person within the same city borough or township of the first class for a period of one year succeeding the expiration of a previous license The treasurer shall receive from the applicant for such license upon the granting thereof a license fee which shall be twenty-five dollars ($25)

Section 6 This act shall not apply to sales conducted by sheriffs constables or other public or court officials or to any other person or persons acting under the direction or authority of any court State or Federal selling goods wares and merchandise in the course of his official duties nor to sales by licensed auctioneers extending over a period not in excess of three days nor to sales conducted by insurance companies or by salvage companies acting for insurance companies when such sales are not conducted at retail

Section 7 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EROE. Mr. President, I move to reconsider the vote by which this bill passed third reading.

Mr. REED. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. EROE. Mr. President, I ask unanimous consent to amend Title, page 1, line 6 of title, by inserting after the word "cities" the following: "and certain boroughs"; amend Sec. 1, page 2, line 7, by inserting after the word "Commonwealth" the following: "and in boroughs having a population of more than two thousand five hundred inhabitants"; amend Sec. 1, page 2, line 13, by inserting after the word "city" the following: "or borough"; amend

Sec. 5, page 3, line 28, by inserting after the word "city" the following: "or borough".

The PRESIDENT. Is there objection?

The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING

Mr. STIEFEL. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 723, House Bill No. 1157 on third reading postponed, entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing panelties" extending said act to motor boats on boundary waters exempting out-board motor boats from licensure and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to,

And the question recurring

Will the Senate agree to the bill?

Mr. STIEFEL. Mr. President, I ask unanimous consent to amend page 2, lines 1 and 2 of the title by striking out: all of line 1, and the words [exempting out-board motor boats from licensure] in line 2, inserting in lieu thereof "electrically propelled"; amend page 2, section 1, line 21 by striking out the words: [or on the boundaries of]; amend page 3, section 1, lines 3, 4, 5, 6 ,and 7, by striking out: the partword [ex-] in line 3, and all of lines 4, 5, 6, and 7, inclusive.

The PRESIDENT. Is there objection?

The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole in this case dispensed with,

Th Senate proceeded to the second reading and consideration of Senate Bill No. 23, as follows:

An Act making an appropriation out of the Motor License Fund to carry into effect the provisions of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (P. L. 1348) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation " and its amendments and defining the purposes for which said appropriation may be expended

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five hundred thousand dollars ($500,000) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the commission created by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (P. L. 1348) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" and its amendments to pay to compensation of assistants and all costs and expenses incurred by the commission in compiling editing publishing and distributing pamphlets descriptive of points of scenic historic industrial and agricultural interest and other facilities advantages and attractions of the Commonwealth for the use of citizens and travelers all costs and expenses incurred in planning and conducting programs of information advertising and publicity and coordinating the activities of organizations societies and individuals engaged in publicizing the scenic and historic attractions and the industrial and agricultural interests and other facilities advantages and attractions of the Commonwealth and all costs and expenses incurred in providing exhibtis at fairs expositions and other celebrations and for the erection of buildings and the leasing of space required for booths and exhibits to provide such exhibits

Section 2 This act shall become effective immediately upon final enactment and the appropriation made by this act shall be available for expenditure from said effective date until the close of the fiscal period ending May thirty-first one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 144 on second reading entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the powers and duties of district superintendents, supervising principals and county superintendents; changing the qualifications of county, district, assistant and associate superintendents and supervising principals; increasing the terms of county and district superintendents; and conferring powers and imposing duties on the State Council of Education.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 200, as follows:

An Act to amend clause (c) of section two thousand and three of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled

"An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" eliminating certain powers of the Department of Highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (c) of section two thousand and three of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain adminstrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative ficers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 2003 Machinery Equipment Lands and Buildings

(c) To purchase and acquire and lease lands and in the name of the Commonwealth and situated anywhere therein containing stone suitable for use in the construction or maintenance of highways and to quarry and prepare the stone therein for use in the construction and maintenance of the State highways or State-aid highways and to manufacture any other material used in the construction or maintenance thereof and to use such stone and material so quarried prepared and manufactured for such construction and maintenance [or to sell furnish and supply the same to contractors engaged in building or maintaining the State highways or State-aid highways or to the townships for the construction and maintenance of roads and bridges upon such terms and conditions and for such price as the department shall deem best for the interests of the Commonwealth]

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 232, as follows:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose of further perpetuating and preserving the place in Westmoreland County Pennsylvania where on August fifth and sixth one thousand seven hundred and sixty-three occurred the battle of Bushy Run in which Colonel Henry Bouquet defeated the Indians in one of the most decisive engagements in American Colonial history the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission is hereby authorized to purchase tracts of land adjoining the present Bushy Run Battlefield State Park and especially the land where fifty soldiers killed in the said battle are buried as well as other lands constituting the area on which the battle was waged

Section 2 The sum of ten thousand dollars ($10,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the acquisition of lands adjacent to the present Bushy Run Battlefield State Park the erection of monuments or memorials the improvement restoration and maintenance of said addition to present park and expenses incurred in carrying out the provisions of this act Payment from said appropriation shall be made by requisition of the Secretary of Forests and Waters on the Auditor General in the manner provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 414 on second reading entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; providing for the safe periodic removal of dust accumulations from dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 430, as follows:

An Act making an appropriation to the Department of Health for the prevention of blindness in infants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby appropriated to the Department of Health for the two fiscal years beginning June first one thousand nine hundred thirty-seven to be paid by it to such hospitals as shall be designated by the Department for the purpose of reimbursing such hospitals for expenses incurred in extending hospital care including skilled nursing care for patients suffering from ophthalmia neona-

torum (babies sore eyes) and for the payment of transportation to and from such hospitals where transportation is necessary The appropriation made by this act shall be payable from time to time upon requisition of the Department of Health in the manner provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 475, as follows:

An Act to further amend section seven hundred twenty-three of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forefeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing boroughs to levy a license fee or tax on certain motor vehicles under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred twenty-three of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by section fourteen of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (P. L. 1056) is hereby further amended to read as follows

Section 723 No Other Taxes or Fees to be Imposed Exception No city borough incorporated town township or county shall require or collect any registration or license fee or tax for any motor vehicle trailer or semi-trailer or license from any operator thereof except that cities and boroughs may levy a fee or tax upon motor buses and motor omnibuses transporting passengers for pay or hire within the limits of any city or borough or from points within such city or borough to its surburbs which are within a radius of ten miles

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 562, as follows:

An Act making an appropriation to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seventy-five thousand dollars ($75.000) or so much thereof as may be necessary is hereby specifically appropriated to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission for payment of the cost of providing and erecting a suitable camp for the housing care and maintenance of veterans and attendants for the entertainment of specially invited guests for the expenses of National Guard units in connection with the anniversary celebration for the salary compensation and expenses of the employes of the commission and the expenses of the members of the commission for traveling expenses for postage telephone telegraph and express charges for motor vehicle hire and expenses of operation thereof for the purchase of equipment and supplies for the compilation editing and printing of a report and for the payment of all other incidental and proper expenses incurred by said commission in carrying out the provisions of the act approved the thirtieth day of April one thousand nine hundred and thirty-five (P. L. 96) entitled "An act creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg and making an appropriation" and the amendments thereto

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

Th Senate proceeded to the second reading and consideration of Senate Bill No. 594, (House Bill No. 744), entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress approved the twenty-ninth day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. LAW, Mr. President, I ask unanimous consent that Senate Bill No. 632 on second reading entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO, Mr. President, I ask unanimous consent that Senate Bill No. 748 on second reading entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that sections 541 to 551 inclusive are repealed and two new sections to be known as sections five hundred and forty-one (541) five hundred and forty-two A (542A) and five hundred and forty-two B (542B) are added establishing one or more rating bureaus subject to supervision and to examination by the Insurance Commissioner and requiring the filing by insurers of a sworn report of premium and loss experience with the Insurance Commissioner.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 754, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that two new sections to be known as sections six hundred and seventy-six (676) six hundred and seventy-seven A (677A) and six hundred and seventy-seven B (677B) are added establishing one or more rating bureaus for the classification of risks underwriting rules premium rates and schedule or merit rating plans for insurance of owners and operators of motor vehicles and requiring filing of annual reports of premium and loss experience by insurers

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to include two new sections to read as follows

(h) MOTOR VEHICLE INSURANCE

Section 676 Classification of Risks Underwriting Rules Premium Rates and Schedule and Merit Rating Plans The classification of risks underwriting rules premium rates and schedule or merit rating plans for insurance of owners and operators of or insurance appertaining to motor vehicles including trailers as defined by the Vehicle Code of this Commonwealth including its supplements and amendments shall be established by one or more rating bureaus situate within this Commonwealth subject to supervision and to examination by the Insurance Commissioner and approved by him as being adequately equipped to compile rates on an equitable and impartial basis Such schedule or merit rating plans shall be applied only by the approved rating bureau or bureaus

No risks classification underwriting rule premium rate or schedule or merit rating plan shall take effect without the consent and approval of the Insurance Commissioner and he may withdraw his approval whenever he deems any one of them as inadequate or discriminates unfairly between risks of essentially the same hazard

No insurer shall issue renew or carry any policy or contract of insurance appertaining to any such motor vehicle except in accordance with the classifications underwriting rules premium rates and schedule or merit rating promulgated by the rating bureau or bureaus hereinbefore provided in this section for the risk insured and approved by the Insurance Commissioner for such insurer

A complete copy of every policy or a true copy of the substantive provisions of any policy of insurance appertaining to any such motor vehicle and a true copy of every endorsement upon any such policy and of every agreement appertaining thereto shall be filed with such rating bureau or bureaus within a reasonable time after the effective date of any such policy endorsement contract or agreement

A complete record of every claim presented and every loss sustained by any insurer under any such policy endorsement contract or agreement shall be filed with such bureau or bureaus in such detail and on such form as the Insurance Commissioner may prescribe

Section 677 Annual Report of Premium and Loss Experience Penalties (A) Every insurer issuing renewing or carrying any policy endorsement contract or agreement appertaining to motor vehicles as defined by the Vehicle Code of this Commonwealth including its supplements and amendments shall annually on or before the thirty-first day of December file with the Insurance Commissioner a sworn report of its premium and loss experience in such detail and on such form as may be prescribed by the Insurance Commissioner Any insurer which neglests to make and file such statement on the form or within the time herein provided shall forfeit one hundred dollars for each day during which such neglect continues and upon notice by the Insurance Commissioner its authority to do business shall cease while such default continues

The Insurance Commissioner shall have the power to suspend or revoke the license of any insurer which violates any of the provisions of subdivision (h) of this article

On the question,

Will the Senate agree to the section?

Mr. PYTKO. Mr. President, I move to amend line 17, page 2 by striking out the words "MOTOR VEHICLE" and by inserting immediately following, word "CASUALTY;" amend line 19, page 2 by deleting the word "and" and substituting the word "or"; amend line 21, page 2 by deleting words "insurance of owners" and by deleting in their entirety lines 22 and 23 and the following words on line 24: "Commonwealth including its supplements and amendments" and by inserting immediately following the word "for" on line 21, page 2 the following: "insurances enumerated in Section 202, subdivision (C), paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act"; amend line 25, page 2 by deleting the words "situate

with-" and by deleting on line 1, page 3 the following: "in this Commonwealth"; amend line 7, page 3 by striking out the word "risks" and substituting the word "risk"; amend line 11, page 3 by inserting immediately following the word "inadequate" the word 'excessive" and by deleting the word "discriminates" and substituting therefor the word "discriminating"; amend line 14, page 3 by striking out the words" "any such motor ve-" and by striking out on line 15, page 3 the word "hicle" and substituting on line 14, page 3 immediately after the word "to" the following: "insurances enumerated in Section 202, subdivision (C), paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act"; amend line 19, page 3 by inserting immediately after the word "insurer" the following: "but the Insurance Commissioner may permit an insurer to charge higher or lower rates than those fixed by an approved rating bureau or bureaus in which event such insurer shall for the ensuing year make a uniform percentage addition to the rates fixed by such approved rating bureau or bureaus or a uniform percentage deduction therefrom upon all classes of risks written by such insurer and rated by the approved rating bureau or bureaus"; amend by striking out entirely lines 20 to 27 inclusive on page 3; amend by striking out on page 3, lines 28 and 29 and by striking out lines 1, 2, and 3 on page 4; amend line 4, page 4 by striking out the word "Annual"; amend line 7, page 4 by striking out the words "motor vehicles as defined by the Vehicle" and by striking out line 8 in its entirety and by striking out on line 9, page 4 the word "amendments" and by inserting immediately following the word "to" on line 7, page 4 the following: "insurances enumerated in Section 202, subdivision (C), paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act"; amend line 9, page 4 by striking out the words 'annually on or before the thirty-first day" and by striking out on line 10, page 4 the words "of December"; amend line 12 by inserting immediately following the word "form" the words "and on such date"; amend page 4, line 22 by inserting the following paragraph: "The provisions of subdivision (h) of this article shall not apply to Workmen's Compensation insurance."

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Mr. PYTKO. Mr. President, I move to amend by adding one new section to read as follows: "Section 678. This act shall become effective on the first day of January one thousand nine hundred and thirty-eight."

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The title of the bill was read as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that two new sections to be known as sections six hundred and seventy-six (676) six hundred and seventy-seven A (677A) and six hundred and seventy-seven B (677B) are added establishing one or more rating bureaus for the classification of risks underwriting rules premium rates and schedule or merit rating plans for insurance of owners and operators of motor vehicles and requiring filing of annual reports of premium and loss experience by insurers.

On the question,

Will the Senate agree to the title?

Mr. PYTKO. Mr. President, I move to amend the title to read as follows: "To amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that four new sections to be known as sections six hundred and seventy-six (676), six hundred and seventy-seven A (677A), six hundred and seventy-seven B (677B) and six hundred and seventy-eight (678) are added establishing one or more rating bureaus for the classification of risks underwriting rules, premium rates and schedule or merit rating plans for insurance of owners and operators of motor vehicles and requiring filing of annual reports of premium and loss experience by insurers."

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 765 (House Bill No. 794) on second reading entitled:

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (P. L. 1012) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring li-

censees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing for appeals to the courts in certain cases and imposing additional penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 772, as follows:

An Act to amend section four hundred nine of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended exempting certain nonresidents from the provisions of said act regulating equipment on motor vehicles trailers and semi-trailers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred nine of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the second day of June one thousand nine hundred thirty-three (Pamphlet Laws 1426) is hereby further amended to read as follows

Section 409 Registration by Nonresidents (a) Nonresidents of this Commonwealth except as otherwise provided in this act will be exempt from the provisions of this act as to the registration and equipment of motor vehicles trailers and semi-trailers for the same time and to the same extent as like exemptions are granted residents of this Commonwealth under the laws of the foreign country or state of their residence Provided That they shall have complied with the provisions of the law of the foreign country or state of their residence relative to the registration and equipment of their motor vehicles trailers and semi-trailers and shall conspicuously display the registration plates as require dthereby and have in their possession the registration certificate issued to such vehicle

(b) The owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for compensation either regularly according to schedule or for a period exceeding thirty (30) days in the calendar year shall register such vehicle and pay the same fees therefor as are required for like vehicles owned by residents of this Commonwealth

(c) Every nonresident including any foreign corporation carrying on business within this Commonwealth and owning and regularly operating in such business any motor vehicle trailer or semi-trailer exclusively within this Commonwealth shall be required to register each such vehicle and pay the same fee therefor as is required with reference to like vehicles owned by residents of this Commonwealth

Penalty Any person violating any of the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsection (b) or (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 773, as follows:

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth including information pertaining to civil rights and constitutional guarantees and conferring powers and duties with respect thereto upon the Department of State

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of State shall have the power and its duty shall be so far as practicable

(a) Upon request in writing to furnish or cause to be furnished to any person association or corporation data and information pertaining to the various affairs of the Commonwealth Provided That nothing herein contained shall be deemed to authorize or require the department (1) to make public any data or information in the possession of the Commonwealth that is declared by law to be confidential or (2) to render or furnish any opinion on any legal matter

(b) Upon written complaint filed with the department to refer to such civil groups or organizations as the department deems appropriate alleged violations of the rights of free speech and assembly the rights of labor to organize and bargain collectively and other civil rights and constitutional guarantees

Section 2 It shall be the duty of the various administrative departments boards and commissions or other agencies of the Commonwealth to cooperate so far as practicable with the Department of State in the performance of its duties under this act

Section 3 The Department of State is hereby authorized to adopt rules and regulations pertaining to its powers and duties under this act

Section 4 The sum of seventeen thousand five hundred dollars ($17,500) or so much thereof as may be necessary is hereby specifically appropriated to the Department of State administering and otherwise carrying out the purposes of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 855, entitled:

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six P. L. 79) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund

Whereas The General Assembly by the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (P. L. 79) authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction to set for and on behalf of the Commonwealth of Pennsylvania in arranging a suitable commemoration of the three hundredth anniversary of the landing of the ships Kalmar Nyckel and Fogel Grip on the Delaware in March one thousand six hundred and thirty-eight and the establishment of the colony of New Sweden as well as the coming of the first Dutch English German Welsh Irish and other settlers by whom were established the earliest settlements the first courts of law and the first capital within what is now Pennsylvania and

Whereas This General Assembly being mindful of the character and qualities of our founders and forefathers and of their achievement in establishing the colony of New Sweden and of maintaining and preserving peaceful and harmonious relations with the Indians and the neighboring colonies thereby laying the foundations for the subsequent colony of the Commonwealth of Pennsylvania and enabling it to develop quickly into the greatest richest and most populous province among the Original Thirteen Colonies and making possible Philadelphia's rise as the greatest city of colonial America and the establishment of the Commonwealth of Pennsylvania as the Keystone in the great arch of states and this General Assembly being mindful also that such character qualities pioneering efforts and achievements were the foundations upon which our Pennsylvania civilization is based and being mindful of the honorable pride and great interest of our citizens therein desires to make said tercentenary celebration an occasion of State National and worldwide reunion to commemorate those inspiring and momentous events and

Whereas the said tercentenary anniversary celebration will arouse stimulate and encourage the intrest of all of our citizens and the citizens of other states and countries young and old in a knowledge and study of the inspiring history of the founding establishing and development of this Commonwealth and will interpret and emphasize the spiritual and educational forces of the past and

Whereas It is anticipated that the said commemoration will bring to the Commonwealth a great influx of visitors from the nation and the entire world who will learn of the historical agricultural commerical and industrial values and attractions here to be found resulting in aid and stimulation of the general business improvement of the State thereby increasing the State revenues derived from the gasoline and other taxes and

Whereas The Governments of Sweden and Finland have accepted invitations to participate in the said Tercentenary celebrations and

Whereas The President and Congress of the United States of American have appointed a Delaware Valley Tercentenary Commission to participate in the said celebration in behalf of the United States of America and

Whereas The Government of Sweden has created a Swedish-American Tercentenary Commission to cooperate with the Commonwealth of Pennsylvania and

Whereas Distinguished representatives of the Swedish Government and its Tercentenary Commission are perfecting arrangements to pay an official visit to this Commonwealth in one thousand nine hundred and thirty-eight therefore

The first and second sections of the bill were read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania Historical Commission of the Department of Public Instruction is further authorized and directed to make supervise execute and carry out such plans and preparations as may be necessary for the proper celebration of the said tercentenary anniversary to cooperate with the United States Delaware Valley Tercentenary Commission with the Commission of Sweden Finland and other countries the Tercentenary Commission of the States of Delaware New Jersey and Maryland the Pennsylvania Federation of Historical Societies the Historical Society of Pennsylvania the Swedish Colonial Society of American Swedish Historical Museum and other Historical Associations and county municipal and other authorities committees or commissions now existing or hereafter to be appointed to send a representative or representatives to Sweden there in the city of Gothenberg of Gotenborg to dedicate a tablet or memorial in commemoration of the three hundredth anniversary of the sailing of the ships Kalmar Nyckel and Fogel Grip in November one thousand six hundred and thirty-seven or to any other country or countries from which the earliest settlers came to our shores prior to the advent of William Penn to buy from the United States sell distribute and present commemorative coins and to create such offices and to select such assistants and personnel and to pay such reasonable and fair compensation therefor as in ist judgment may be proper and necessary

Section 2 In executing and carrying out the provisions of this act the Pennsylvania Historical Commission shall have authority to incur costs and expenses and to expend the appropriation herewith authorized for the formulation and execution of plans the organization and presentation of pageants and parades the organizing operating and conducting of declamatory essay oratorical and history contests in any or all schools located within this Commonwealth and the award of prizes medals and certificates therefor the arranging and holding of receptions in honor of the representatives of Sweden Finland and other mother countries officials of the Government of the United States the Governors of other states the Mayors of Philadelphia and Chester and other distinguished guests cooperation and participation in local and county events in this Commonwealth the cost of designing constructing erecting and dedicating historic memorial tablets markers or monuments the costs of research into and of translating publishing and distributing historic documents or records based upon the history of New Sweden and the early history of Pennsylvania whether such historic records exist within or without the Commonwealth or abroad

the costs of advertising printing and publishing including the costs of advertising and publishing within and without the Commonwealth the historical agricultural commerical and industrial values and attractions of Pennsylvanina or renting equipping and furnishing offices and office supplies and materials of designating manufacturing and presenting souvenir medals badges and other emblems of traveling and other costs within and without the Commonwealth and other expenses and costs as the said Pennsylvania Historical Commission in its discretion may deem necessary for the proper conduct and operation of the said celebration

The third section of the bill was read as follows:

Section 3 The said Pennsylvania Historical Commission is authorized in its discretion to contract with the American Swedish Historical Museum now established in Philadelphia for the constructing equipping and setting up of a room in the said Museum to be known as "The Pennsylvania Room" which room shall be under the control of the Pennsylvania Historical Commission and in which articles or historic relics connected with the dawn of history in New Sweden or Pennsylvania or other objects relevant in connection therewith may be displayed such contract however to be in such legal form as meets the requirements and approval of the Department of Justice

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move to amend section 3, page 6, line 27, by striking out "twenty-five thousand dollars" and inserting in lieu thereof the following: "forty thousand dollars"

Mr. SIPE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth and fifth sections of the bill were read as follows and agreed to.

Section 4 The sum of twenty-five thousand dollars ($25,000) is hereby specifically appropriated out of the General Fund to the Pennsylvania Historical Commission of the Department of Public Instruction to be paid out by the Auditor General on the requisitions of the said commission for the purpose of carrying out the provisions of this act

Section 5 This act shall become effective immediately upon its final enactment and the appropriation made by this act shall be available for expenditure from said effective date until the close of the fiscal period ending May thirty-first one thousand nine hundred and thirty-nine

The title and preamble of the bill was read as follows and agreed to.

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (P. L. 79) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund

Whereas, The General Assembly by the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (P. L. 79) authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction to set for and on behalf of the Commonwealth of Pennsylvania in arranging a suitable commemoration of the three hundredth anniversary of the landing of the ships Kalmar Nyckel and Fogel Grip on the Delaware in March one thousand six hundred and thirty-eight and the establishment of the colony of New Sweden as well as the coming of the first Dutch English German Welsh Irish and other settlers by whom were established the earliest settlements the first courts of law and the first capital within what is now Pennsylvania and

Whereas, This General Assembly being mindful of the character and qualities of our founders and forefathers and of their achievement in establishing the colony of New Sweden and of maintaining and preserving peaceful and harmonious relations with the Indians and the neighboring colonies thereby laying the foundations for the subsequent colony of the Commonwealth of Pennsylvania and enabling it to develop quickly into the greatest richest and most populous province among the Original Thirteen Colonies and making possible Philadelphia's rise as the greatest city of colonial America and the establishment of the Commonwealth of Pennsylvania as the Keystone in the great arch of states and this General Assembly being mindful also that such character qualities pioneering efforts and achievements were the foundations upon which our Pennsylvania civilization is based and being mindful of the honorable pride and great interest of our citizens therein desires to make said tercentenary celebration an occasion of State National and world-wide reunion to commemorate those inspiring and momentous events and

Whereas the said tercentenary anniversary celebration will arouse stimulate and encourage the interest of all of our citizens and the citizens of other states and countries young and old in a knowledge and study of the inspiring history of the founding establishing and development of this Commonwealth and will interpret and emphasize the spiritual and educational forces of the past and

Whereas, It is anticipated that the said commemoration will bring to the Commonwealth a great influx of visitors from the nation and the entire world who will learn of the historical agricultural commercial and industrial values and attractions here to be found resulting in aid and stimulation of the general business improvement of the State thereby increasing the State revenues derived from the gasoline and other taxes and

Whereas, The Governments of Sweden and Finland have accepted invitations to participate in the said Tercentenary celebrations and

Whereas, The President and Congress of the United States of America have appointed a Delaware Valley Tercentenary Commission to participate in the said celebration in behalf of the United States of America and

Whereas, The Government of Sweden has created a Swedish-American Tercentenary Commission to cooperate with the Commonwealth of Pennsylvania and

Whereas, Distinguished representatives of the Swedish Government and its Tercentenary Commission are perfecting arrangements to pay an official visit to this Commonwealth in one thousand nine hundred and thirty-eight therefore

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 860, as follows:

An Act supplementing the act of July twenty-second one thousand nine hundred and thirty-six (P. L. 70) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing the Signing the Ratification by Pennsylvania and the Final Adoption and Establish-

ment of the Constitution of the United States during the years 1937-38-39 and making an appropriation

Whereas, The General Assembly by the act approved the twenty-second day of July one thousand nine hundred and thirty-six (P. L. 70) authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction for and on behalf of the Commonwealth of Pennsylvania to arrange for the participation of the Commonwealth in a national celebration of the 150th Anniversary of the Framing the Signing the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States and

Whereas, Pennsylvania is more deeply concerned in the proper observance of the Anniversary of the Framing the Signing the Ratification and the Establishment of the Constitution of the United States and of the Establishment of the United States of America under the said Constitution on her soil than any other state and it is desired to make said Celebration a memorable occasion of National reunion to commemorate these momentous events and

Whereas, The Commonwealth of Pennsylvania pursuant to said act has extended to the Government of the United States and the Government of each State and Territory in the Union invitations to rejoice where the Constitution was born and should herself as the Keystone State appropriately commemorate the birth of our government under law on soil of this Commonwealth and it is expected that all departments of the Federal Government will be represented and that the various civic organizations and associations of this Commonwealth and the Union and resident representative of Foreign Government will participate and

Whereas, The Honorable George H Earle Governor of this Commonwealth did on the first day of August one thousand nine hundred and thirty-six issue a proclamation to the Citizens of Pennsylvania calling their attention to the 150th Anniversary of the Constitution proclaiming the years 1937-38-39 a period of State-wide commemoration reminding them of the important and significant role of the Pennsylvania delegation in the Constitutional Convention of 1787 and of the vigorous steps taken by Pennsylvania to secure the ratification and establishment of the Constitution of the Government of the United States of America offering to the entire nation the whole hearted hospitality of this Commonwealth and calling upon all Citizens of Pennsylvania to give their loyal interest and support to local demonstrations throughout the Commonwealth to the end that from this period of commemoration may come renewed confidence in the vital strength of our Republic and a firm faith in its continuing greatness and enlightment and

Whereas, It is anticipated that the said Commemoration will bring to the Commonwealth a great influx of visitors from the nation and the entire world who will learn of the historical agricultural commercial and industrial vadlues and attractions here to be found resulting in aid and stimulation of the general business improvement of the State thereby increasing the state revenues derived from th gasoline and other taxes therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania Historical Commission of the Department of Public Instruction is further authorized and directed to make such plans and preparations as may be necessary for the proper celebration of the said Anniversary during the years 1937-1938-1939 to supervise and carry out suitable plans and programs for the same to further cooperate with the United States Constitution Sesqui-centennial Commission and County Municipal or other authorized committees or commissions now existing or hereafter to be appointed and to create in pursuance thereof such offices and to select such assistants and personnel and to pay such reasonable and fair compensation therefor as in its judgment may be proper and necessary

Section 2 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Historical Commission of the Department of Public Instruction to be paid out on the requisitions of said Commission for the purpose of paying the costs and expenses incurred in the execution and carrying out of the provision of this act including costs and expenses incident to the formulation and execution of plans the organization and operation of pageants parades and orations of the organizing operating and conducting of declamatory essay and oratorical contests in the schools of this Commonwealth and the award of prizes medals and certificates therefor the arranging and holding of receptions in honor of the President of the United States the Supreme Court of the United States the Governors of other States the Congress of the United States and other distinguished guests cooperation and participation in other local and county events in this Commonwealth the designing construction erection and dedication of memorials ad historic markers and for the costs of advertising printing and publishing of traveling within and without the Commonwealth of renting equipping and furnishing offices and office supplies and materials of designing manufacturing and presentig souveir medals badges and other emblems and of other costs within and without the Commonwealth and such other expenses and costs as the said Pennsylvania Historical Commission in its discretion may deem necessary for the proper conduct and operation of the said celebration

Section 3 The said Pennsylvania Historical Commission is also authorized to cooperate and participate with the United States Constitution Sesqui-centennial Commissions and other State Commissions in a proper celebration of the Ratification Dates of the Constitution by the other states

Section 4 This act shall become effective immediately upon its final enactment and the appropriation made by this act shall be available for expenditure from said effective date until the close of the fiscal period ending May thirty-first one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this cases dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 879, as follows:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years begisning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thirty-seven million one hundred fifty thousand dollars ($137,150,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund in the State Treasury to the Department of Public Assistance in the amounts hereinafter specified to provide assistanc and for local administration expenses in the manner provided in the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses incident thereto accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven

Dependent Children	$ 9,800,000
Aged Persons	25,250,00
Blind Persons	3,950.00

Other Indigent Persons 98,150,000

$137,150,000

Section 2 From time to time the Governor may and is hereby empowered to transfer from one allocation to any other allocation specified in section one such sums as may be needed

Section 3 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate from time to time among the County Boards of Assistance the Boards of Trustees of the Mother's Assistance Fund and the Boards of Trustees of Pension Fund for the Blind on the basis of need funds with which to provide assistance and administrative expenses in the manner provided in the Public Assistance Law and payments shall be made under such of requisitioning and accounting as the Governor Auditor General and State Treasurer shall determine Allocations so made to a County Board of Assistance or a Board of Trustees of the Mothers' Assistance Fund or a Board of Trustees of Pension Fund for the Blind by the Department of Public Assistance shall be available for expenditure in that county for assistance and for administrative expenses in the manner provided by law

Section 4 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 879, the bill just read, be recommitted to the Committee on Appropriations,

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 880, as follows:

An Act appropriating to the Department of Public Assistance for public assistance all restitutions and overpayments collected by or for such department

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all restitutions and overpayments of moneys paid out for assistance under the provisions of the Public Assistance Law and collected by or for the Department of Public Assistance shall be deposited in the General Fund and be credited to the current appropriation to such department for public assistance and shall be available and are hereby appropriated to the department for the same purposes for which such current appropriation is available

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 880, the bill just read, be recommitted to the Committee on Appropriations,

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 881, as follows:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight hundred fifty thousand dollars ($850,000) or as much thereof as may be necessary is hereby appropriated out of the General Fund to the State Veterans' Commission for the two fiscal years beginning June first one thousand nine hundred thirty-seven for the payment of traveling expenses and other authorized disbursements of the commission and to furnish funds to provide the necessities of life for and to assist otherwise such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 881, the bill just read, be recommitted to the Committee on Appropriations.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HEYBURN. Mr. President, I ask unanimous consent that Senate Bill No. 898 (House Bill No. 1715), on second reading entitled:

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 944, as follows:

An Act to further amend section eleven of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by exempting certain organizations from the provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That section eleven of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 871) is hereby further amended to read as follows

Section 11 This act shall not apply to the National American Red Cross the American Legion the Boy Scouts of America or the Girl Scouts of America or any of their local units operating within the Commonwealth nor to fraternal and veteran's organizations incorporated under the laws of the Commonwealth religious organizations raising funds for religious purposes colleges schools universities labor unions municipalities or subdivisions thereof nor to charitable institutions or agencies required by the provisions of existing law to file reports with the Department of Welfare or with any other department or office of the Commonwealth

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 971 (House Bill No. 1464), entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such Board defining the powers of the Board and fixing the compensation of members and employes thereof providing that the awards of such Board shall be final providing for the payment of awards and authorizing an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 972 (House Bill No. 1467), entitled:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred and elevn (Pamphlt Laws thre hudred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith as amended providing for the furnishing of the National Flag Code to certain pupils and for the use thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 980 (House Bill No. 1705), entitled:

An Act to re-enact and amend the title and act, approved the twenty-eighth day of March, one thousand nine hundred and twenty nine (P. L. 86), entitled, "An act relating to the grading and sale of grapes in this Commonwealth, providing penalties for violations, and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes and changing the penalties prescribed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1023, as follows:

An Act to amend Section six hundred and nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring certain existing corporations to comply with the provisions of the aforementioned act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section six hundred and nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 609 Companies to Which Act Applies That all stock casualty insurance companies heretofore or hereafter incorporated or formed by authority of any general or special law shall be subject to the provisions and requirements of this act [except those companies incorporated under the provisions of the act approved April twenty-eight one thousand nine hundred and three entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" and companies heretofore organized under the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four, Pamphlet Laws seventy-three (P L 73) entitled "An act to provide for the incorporation and regulation of certain corporations" and the several supplements thereto for the purpose of guaranteeing the fidelity of persons in positions of trust and to act as surety on official bonds which latter companies shall come under the provisions of this act only upon acceptance thereof as hereinbefore provided]

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1037, as follows:

An Act to amend the title and section one as amended of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic intruments or machines and providing a penalty" by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title to the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" is hereby amended to read as follows

AN ACT

Prohibiting the use of countefeit or spurious coins in automatic instruments or machines and of other fraudulent methods and artifices to procure the operation of such instruments or machines and providing [a penalty] penalties

Section 2 That section one of said act as amended by the act approved the thirteenth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 39) is hereby further amended to read as follows

Section 1 It is unlawful to use or attempt to use any false or counterfeit coin or any washer or piece of metal or any device or substance resembling or intended to resemble in shape size or weight any gold silver nickel or copper coin which is current in this Commonwealth by inserting or attempting to insert the same into any automatic vending machine automatic telephone or any instrument machine apparatus meter or device which is operated or intended to be operated by the use or insertion thereinto of any such gold silver nickel or copper coin current in this Commonwealth or to operate or attempt to operate any such machine telephone or device by any other fraudulent means method contrivance or artifice whatsoever not lawfully authorized by the owner lessee bailee or licensee of such machine telephone or device Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars or to undergo imprisonment not exceeding sixty days or both at the discretion of the court

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1042, as follows:

An Act to amend section one thousand five hundred four of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collecting and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision relating to advances out of appropriations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand five hundred four of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collction and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 1504 Advances Out of Appropriations Whenever an appropriation shall have been made to any department board or commission of the State Government or to the board of trustees or other agency in charge of any semi-State institution which is intended for expenses of such a nature as to make it impracticable for such department board commission board of trustees or agency to file with the Department of the Auditor General itemized receipts or vouchers prior to the payment of such expenses upon requisition and warrant in the usual way such department board commission board of trustees or other agency may make requisition upon the Auditor General from time to time for such sum or sums of the appropriation as may be necessary to meet such expenses and the Auditor General [after submission of such requisition to and approval thereof by the Governor] shall draw his warrant upon the State Treasurer for such sum or sums to be paid out of the appropriation [as in the discretion of the Governor may be necessary but the advancement shall never] The total amount of requisitions for advancements from any appropriation less the total amount of properly itemized receipts or vouchers filed with the Auditor General accounting for such advancements shall never exceed an amount approved by the Governor nor shall it in any case exceed the amount of the

bond of the officer or individual having control of the disbursements from the funds advanced

Requisitions for advances hereunder to any departmental administrative board or commission must be approved by the department with which such board or commission is connected prior to the presentation thereof to the Auditor General

Any department board commission board of trustees or agency having received an advance hereunder shall

(1) Whenever required by the Auditor General file specifically itemized vouchers in such form as may be prescribed by him accounting for all money expended out of such advance

(2) At the end of the appropriation period return to the State Treasury all unexpended balances of such advance before any advance shall be made out of any succeeding appropriation

(3) Deposit all moneys advanced in the name of the Commonwealth in a State depository and certify the name thereof to the State Treasurer

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1052, as follows:

An Act transferring money from the Manufacturing Fund to the General Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time during the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine to transfer from the Manufacturing Fund to the General Fund such sums not exceeding in the aggregate the sum of one hundred fifty thousand dollars ($150,000) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1053, as follows:

A Joint Resolution authorizing the Insurance Department and the Department of Revenue to make a fair and impartial joint investigation of the efficacy wisdom and practicability of the laws of the Commonwealth relating to automobile insurance and the laws in effect in other states relating to automobile insurance for the purpose of ascertaining the advisability of enacting in this Commonwealth a compulsory motor vehicle insurance law or an automobile accident compensation law or both requiring said departments to make a joint report to the next session of the General Assembly of their findings and recommendations as to such legislation as may be necessary or desirable and conferring upon the Insurance Commissioner and the Secretary of Revenue power to issue subpoenas and the courts power to punish those refusing to obey the same

Whereas More than fifty-five thousand (55,000) automobile accidents occurred on the highways of the Commonwealth in the year one thousand nine hundred thirty-six and

Whereas In such accidents in addition to the great property losses suffered there were more than eleven hundred (1100) persons killed and more than ten thousand (10,000) persons injured and

Whereas By reason of these accidents a great financial loss was suffered by many residents of the Commonwealth and

Whereas Many of these residents were unable to obtain recompense of any kind for the losses received because the persons causing such losses were without financial resources and

Whereas Many of the other states of the Union confronted with the same problem of uncompensated death and injury and property damage arising from automobile accidents have enacted various laws to better protect their residents

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the Insurance Department and the Department of Revenue of this Commonwealth are hereby directed to make a careful thorough and impartial joint investigation and study of the efficacy wisdom and practicability of the laws in force in this Commonwealth relating to automobile insurance and the laws in effect in other states relating to automobile insurance and to study and consider the advisability or necessity of the enactment in this Commonwealth of a compulsory motor vehicle insurance law or an automobile accident compensation law or both and to make a joint report to the General Assembly as early as possible at its next session setting forth the findings and recommendations of such departments as to such legislation as may be deemed necessary or desirable to correct any imperfections insufficiencies and defects that may exist in the present law of this Commonwealth

Section 2 The Insurance Department and the Department of Revenue in the performance of their duties under this resolution shall give to any individual association or corporation doing business or resident in this Commonwealth the opportunity to present for consideration suggestions which shall be in writing and shall receive and consider any factual data that may be relative to the investigation The departments may or may not as they shall determine hold public meetings The Insurance Commissioner or the Secretary of Revenue shall have authority to issue subpoenas under his hand and seal requesting or commanding any person or persons to appear before them or either of them or their duly authorized representatives and to answer such questions touching matters properly being inquired into under the provisions of this act and to produce such books and papers records and documents as may be deemed necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth The Insurance Commissioner and the Secretary of Revenue and their duly authorized representatives shall have the power to administer oaths and affirmations of witnesses appearing before them for the purposes of this act Any person who refuses to obey a subpoena or who refuses to produce any books papers records or documents when ordered to do so or who is guilty of any contempt after summons to appear may be punished for contempt of court and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed for which purpose such court is hereby given jurisdiction

Section 3 This resolution shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1056, (House Bill No. 958), entitled:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford Pike County Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1058, (House Bill No. 1642), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors or registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1073, (House Bill No. 1200), as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million five hundred and fifty thousand dollars is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-eight out of the Motor License Fund for expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The moneys hereby appropriated shall be apportioned by the Department of Highways among the several counties of this Commonwealth on the basis of the average per mile cost of maintaining the township roads and bridges in the townships of the second class in each county as reported in the annual financial reports of the boards of supervisors to the Department of Highways for the year one thousand nine hundred thirty-two multiplied by the number of miles of second-class township roads in such county as of January first one thousand nine hundred thirty-eight

Of the amount apportioned to the several counties as hereinbefore provided the Department of Highways shall expend in each of the townships of the second class for the maintenance and repair of township roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such portion of the amount apportioned to the county as the Secertary of Highways shall deem necessary for the proper maintenance and repair of the township roads and bridges in any such county

Section 3 Any surplus of the funds apportioned to a county under this act over the amount required for maintenance and repair may with the approval of the Secretary of Highways be expended in any such county by the Department of Highways in the construction and reconstruction and resurfacing of any township road or bridge in the townships of the second class which is not maintained by the Department of Highways under the provisions of any other law Nothing herein contained shall prevent the use of any of the aforesaid surplus for Federal projects sponsored by the township supervisors and approved by the Secretary of Highways

Section 4 Nothing in this act shall be construed to relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-eight for the construction or repair of any highway or structure now under their jurisdiction

Section 5 The board of supervisors of townships of the second class shall at the time of the adoption of the annual budget and at the time of fixing the road tax levy for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine exclude from the said annual budget and tax levy for road and street purposes any provision for the maintenance and repair of the roads and bridges Nothing herein contained shall prevent any township from making proper provision for interest sinking fund debt repayment charges snow removal resurfacing construction reconstruction obligations incurred under any contract or agreement such other administrative and other overhead expenses as may be necessary and for any other purposes other than for maintenance and repair of the roads and bridges

Section 6 The Department of Highways is hereby authorized to rent from the several second-class townships any road building machinery or equipment now or hereafter owned by such municipality for use under the provisions of this act in the maintenance resurfacing reconstruction and construction of any township road or bridge either in or outside of the legal limits of the township owning the equipment at such rentals or rates as the Department of Highways shall deem reasonable The duly elected road supervisors of each township subject to the approval of the Secretary of Highways may be employed by the Department of Highways in the work to be done under the provisions of this act

Section 7 Any balance of the funds appropriated by this act which shall remain unexpended or unencumbered on January first one thousand nine hundred forty shall lapse upon that date and become a part of the Motor License Fund

And said bill having been read at length the second time.

BILL POSTPONED

Mr. RICE. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. CAVALCANTE. Mr. President, I second the motion,

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1082, (House Bill No. 1774), entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1103, (House Bill No. 1568), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such com panies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sections four hundred and twenty B (420 B) four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrail insurance contracts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1108, as follows:

An Act Requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no township of the first class nor any part of any such township shall be annexed to a contigous city or borough in accordance with any existing law providing for such annexation unless the voters of the entire township have first consented to such annexation Whenever any proceeding for such annexation shall be commenced the same shall not be concluded and the annexation shall not become effective until there has first been submitted to the electors of the entire township in accordance with the election law for the submission of such questions a proper question to ascertain the will of the electors with respect to such proposed annexation Such question shall be printed on ballots provided by the county commissioners and shall be submitted at any general or municipal election occurring at least sixty days after a petition shall have been filed with the county commissioners by the corporate authorities of the borough or city to which such annexation is to be made asking for the submission of such question If at any election a majority of those on such question shall consent to such annexation then such annexation may be made and concluded in the manner provided by law but if a majority of thase voting on the question shall vote against such annexation then no further proceedings for such annexation shall be had Any such question shall not be submitted oftener than once in five years Nothing contained in this act shall be construed to apply to proceedings under existing law where provision is now or hereafter made to secure the consent of the electors of any township to any such annexation This act shall apply to all annexation proceedings commenced prior to the effective date of this act which shall not have been concluded prior to such effective date

Section 2 All acts and parts of acts inconsisitent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1124, as follows:

An Act Making an appropriation to the Safety Commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Safety Commission for the fiscal years beginning the first day of June one thousand nine hundred thirty-seven for the payment of the salary and compensation of the executive director and other employes of the commission for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the payment of telephone telegraph and express charges for postage supplies and printing and for other incidental expenses deemed necessary by the commission in carrying on its work

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. RICE. Mr. President, I call up Senate Bill No. 765, (House Bill No. 794), for the purpose of amendment.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 765, (House Bill No. 794), entitled:

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation

of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended by the act approved the fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy-five) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be [lawful] unlawful for any person persons partnership association or corporation within this Commonwealth [who shall comply with the requirements of this act] to make a loan of money credit goods or things in action in the amount or of the value of [in sums of] three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities and charge [and collect for the] contract for or receive on any such loan [thereof] a rate of interest [as hereinafter provided under the following conditions] discount fines charges or consideration greater than six per centum (6%) per annum without first obtaining a license from the Secretary of Banking in accordance with the provisions of this act

(a) Any person or persons firm corporation or association applying for the same under oath and in the form prescribed by the Secretary of Banking [Commissioner] and paying the sum of [fifty ($50)] one hundred ($100) dollars may in the discretion of the Secretary of Banking [Commissioner] except as hereinafter provided obtain a license for carrying on the said business The said license shall be issued by the Secretary of Banking [Commissioner] and shall expire the first day of June next following the date of its issuance but no abatement of said charge shall be made if licenses are issued for less than one year Every such license shall be renewed annually on the first day of June in each year No license shall be granted to any corporation unless and until such corporation shall in writing and in due form to be first approved by and filed by the Secretary of Banking [Commissioner] appoint an agent resident in the Commonwealth of Pennsylvania upon whom all judicial and other process or legal notice directed to such corporation may be served and in the case of the death removal from the Commonwealth or any legal disability or disqualification of any such agent service of such process or notice may be made upon the Secretary of Banking [Commissioner] The said [Commissioner] Secretary of Banking shall have the power to reject any application for license if he is satisfied that the financial responsibility experience character and general fitness of the applicant or applicants are not such as to command confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act or if he is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted or if it shall appear to the Secretary of Banking that the business of the applicant is or is to be substantially that generally conducted by pawnbrokers the expiration of thirty (30) days written notice to the licensee forward by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefore revoke any license if the licensee shall violate any of the provisions of this act or if the license shall violate any rule or regulation made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to comply with any demand rule or regulation lawfully made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to pay the cost of an examination by the Secretary of Banking or his authorized representative or if the licensee has failed to maintain in effect the bond required under the provisions of this act or if the licensee shall fail to file the annual report to the Secretary of Banking within the time stipulated in this act or if any fact or condition exists which if it had existed at the time of original application for such license clearly would have warranted the Secretary of Banking originally in refusing to issue such license Whenever the Secretary of Banking shall issue a notice of intention to revoke a license issued pursuant to this act the licensee may within ten (10) days of the date of such notice file with the Secretary of Banking an application for a hearing before the Department of Banking Upon receipt of such application the Secretary of Banking shall fix the time and place for such hearing After such hearing the Secretary of Banking may recall the notice of intention to revoke the license or he may after the expiration of thirty (30) days written notice to the licensee of such intention revoke the license Whenever the Secretary of Banking issues a notice of intention to revoke a license and the licensee does not file an application for a hearing before the Department of Banking as in this act provided or whenever ever the Secretary of Banking issues a notice of intention to revoke a license after a hearing before the Department of Banking the licensee may within the period of thirty days provided in the notice appeal from such action to the Court of Common Pleas of Dauphin County Whenever such license is revoked the [Commissioner] Secretary of Banking shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license and not at all if such licensee shall have been convicted of a violation of this act for a second offense under the provision of section six (6) thereof When a license is not renewed or when a license is surrendered or when a license has been revoked by the Secretary of Banking the licensee shall forfeit the privilege of granting new loans at interest permitted under this act and shall also forfeit the right to collect interest in excess of 6% per annum on outstanding loans In addition to said license fee said licensee shall pay for the examination by said Secretary of Banking [Commissioner] as hereinafter provided Every such applicant shall execute and file a bond to the Commonwealth of Pennsylvania in the penal sum of five thousand ($5,000) dollars with the Secretary of Banking [Commissioner] to be approved by him for the faithful observance of all laws relating to such business Said bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within the Commonwealth and such bond shall be renewed and refiled annually not later than the first day of June in each year

(b) The license shall state fully the name or names of the person persons partnership association or croporation [and of every member of the firm or association] authorized to do business thereunder and the location of the office or place of business in which the business is to be conducted [and in the case of a corporation shall also state the date and place of its incorporation the names of its directors for the period for which the license is issued and the name and address of the agent as provided in section

one (1) of this act] Such license shall be kept posted in a conspicuous place in the office where the business is transacted No licensee shall transact or solicit business under any other name or at any other office or place of business than that named in the license Not more than one office or place of business shall be maintained under the same license and ano no loans or advancements shall be made applica- ceived notes or contracts signed or payments received at any other place of business than that designated in the license But in case of a removal the Secretary of Banking [Commissioner] may on application indorse thereon a transfer to the new place of business with the date of transfer and from the time of such indorsement the new place so designated shall be deemed the place designated in the license A licensee shall not conduct the business of making loans under this act within any office room or place of business in which any other business is solicited or engaged in or in association or conjunction therewith except as may be authorized in writing by the Secretary of Banking

(c) The Secretary of Banking [Commissioner] shall either personally or by such person or persons as he may appoint for the purpose at least once a year and oftener if he deems it advisable investigate the business and affairs of every such licensee and for that purpose shall have free access to the vaults books and papers thereof and other sources of information with regard to the business of such licensee and shall ascertain the condition of the business and whether it has been transacted in accordance with the law and the rules and regulations lawfully made by the Secretary of Banking Said [Commissioner] Secretary of Banking and every examiner appointed by him shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination The cost of every such examination shall be paid by the licensee so examined and said [Commissioner] Secretary of Banking may maintain an action for the recovery of such costs in any court of competent jurisdiction

(d) The Secretary of Banking is hereby authorized and empowered to make general rules and regulations governing advertising of licensees contracts with borrowers computation of interest charges books records and accounts of licensees and treatment of collateral and he is further authorized and empowered to make specific demands rulings and requirements for the proper conduct of the business contemplated by this act and for the enforcement of this act which rules and regulations shall have the force and effect of law

(e) For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary of Banking or the examiners appointed by him may at any time investigate the business and examine the books accounts records and files used therein of every person persons partnership association or corporation who or which shall be engaged in the business of making loans or who or which shall advertise or offer to make loans whether such person shal act or claim to act as principal agent or broker or under or without the authority of this act For this purpose the Secretary of Banking shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

(f) The Secretary of Banking shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary of Banking has authority by this act to consider or investigate and for this purpose the Secretary of Banking may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary of Banking the Secretary of Banking may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such Court shall thereupon issue an order requiring the person subpoened to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the Court may be punished as for contempt of court

(g) Every person persons partnership association or corporation licensed under this act shall annually on or before the first day of March file a report with the Secretary of Banking giving such information as the Secretary of Banking may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by such licensee within this Commonwealth Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking

On the question,

Will the Senate agree to the section?

Mr. RICE. Mr. President, I move to amend Section 1, page 5, line 15 by striking out after the word "this" and before the word "or" the word "act"

Amend Section 1, page 5, line 15 by inserting after the word "this" and before the word "or" the word "act"

Amend Section 1, page 9, line 3 by underlining at the beginning of the line the following: '(d)'

Amend Section 1, page 11, line 11 by striking out at the end of the line the word "one"

Amend Section 1, page 11, line 12 by underlining the following: "two (2)"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 Any person persons copartnership association or corporation who shall obtain a license in accordance two (2) per centum per month on any remainder of such unpaid principal balance In the case of loans made upon the security of tangible personal property physical possession of which is taken by the licensee the licensee shall not charge interest at a rate in excess of such rates as are provided for by the act approved the sixth day of April one thousand nine hundred and thirty-seven Number 51 (Pamphlet Laws) for loans of similar character or the rates provided by this act whichever are the lower provided however that in no event shall the rates charged exceed the rates provided by this act No licensee shall induce or permit any borrower to split up or divide any loan No licensee shall induce or permit any person nor any husband and wife jointly or severally to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose of with the result of obtaining a higher rate of interest than would otherwise be permitted by this section No fees fines or other charges either in addition to or as a part of the above specified interest shall be charged or collected under any pretext whatsoever

A contract for a loan under the provision of this act shall not be made for a period in excess of eighteen (18) months Interest on the unpaid balances thereafter shall be payable at the rate of six (6%) percentum per annum Interest shall not be payable in advance or compounded and shall be computed only on unpaid balances for the time that has elapsed at date of payment Interest on judgments which have been entered of record may be computed at the rates prescribed in this section until the date of the issuance of a writ of execution thereafter the interest shall be computed at the rate of six (6%) per centum per annum If interest in excess of that hereinbefore prescribed shall be received by any licensee the said licensee shall thereupon lose all his right to collect or receive the interest allowed under this act and shall be entitled to recover from the borrower only the amount

actually loaned together with interest at the rate of six per centum per annum upon unpaid balances less any and all amounts already paid by the borrower on account of said loan either as principal or interest Any person borrowing money from any licensee under this act who shall be charged and pay any interest in excess of that prescribed and allowed by the provisions of this act shall be entitled to recover back from the lender by actionat law begun at any time within two years from the date of the last payment any and all sums of money so charged and paid in excess of the amount of the original loan together with interest at the rate of six per centum per annum upon unpaid balances up to the date of final payment of said loan and in addition fifty ($50) dollars as a penalty to be paid to the borrower

Section 2 That sections four six and seven of said act are hereby amended to read as follows

On the question,

Will the Senate agree to the section?

Mr. RICE. Mr. President, I move to amend Section 2, page 16, line 24 by underlining and striking out the entire line.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth to seventh sections of the bill were read as follows and agreed to.

Section 4 Whenever payment is made on account of a loan to which the provisions of this act shall apply the person receiving such payment shall when payment is made give to the person paying a receipt setting forth the amount then paid [the total amount previously paid] on account of interest if any the amount then paid on account of principal if any and the amount remaining due on principal identifying the instrument accompanying the loan to which the payment is to be applied

Section 6-A Every person persons copartnership association or corporation licensed under this act or any partner director officer agent or member thereof who shall violate any prevision of this act or shall direct or consent to such violation [or who shall lend money in sums of three hundred ($300) dollars or less and charge or receive for the loan or use thereof interest in excess of six per centum (6%) per annum without first having complied with the provisions of section one of this act] shall be guilty of a misdemeaner and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred ($500) dollars for the first offense and for each subsequent offense a like fine and to suffer imprisonment not to exceed six months or both in the discretion of the Court

B Every person persons copartnership association or corporation or any partner director officer agent or member thereof who shall directly or indirectly as principal agent or broker by any device subterfuge or pretense whatsoever charge contract for or receive any interest discount fees fines charges or consideration greater than six per centum (6%) per annum upon the loan use or forbearance of money goods or things in action or upon the loan use or sale of credit of the amount or value of three hundred ($300) dollars or less without having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars or more than five thousand ($5,000) dollars or to suffer imprisonment of not less than six (6) months or more than three (3) years or both at the discretion of the Court

C No loan of the amount or value of three hundred ($300) dollars or less for which interest discount fees charges or consideration greater than six per centum (6%) per annum has been charged contracted for or received except as authorized by this act whever made shall be enforced in this Commonwealth and the borrower shall not be required to pay any principal interest or charges whatsoever This provision shall not apply to loans legally made in any State which then has in effect a regulatory small loan law similar in principal to this act

D The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale or assignment of or order for the payment of wages salary commissions or other compensation for services whether earned or to be earned shall for the purposes of regulation under this act be deemed a loan secured by such assignment and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable Such transactions shall be governed by and subject to the provisions of this act

E The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale of real or personal property which is made on condition or agreement expressed or implied that such property be sold back at a greater price shall for the purpose of this act be deemed to be a loan secured by such property and the amount by which the repurchase price exceeds such original purpose price actually paid shall be deemed interest or charges upon such loan from the date such original payment is made until the date such original payment is made until the date such repurchase price is paid Such transaction shall be governed by and subject to the provisions of this act

F When real or personal property is pledged as security on a loan of three hundred ($300) dollars or less and the lender requires the borrower to pay for insurance thereon or when the lender requires life insurance as a security to a loan of three hundred ($300) dollars or less such charge for insurance shall be construed as interest under this act when the lender has failed to have such insurence written by an insurance company legally authorized to conduct business in Pennsylvania When the amount charged for such insurance is in excess of the standard cost of similar insurance in other insurance companies legally authorized to conduct business in Pennsylvania the excess shall be construed as interest under this act

Section 7 This act shall not affect any [existing] laws of this Commonwealth special or general authorizing a charge for the loan of money in excess of interest at the legal rate and provided That this act shall not apply to apply to any person persons partnership association or corporating under the laws relating to banks bank and trust companies trust companies private banks savings banks national banking associations building and loan associations consumer discount companies or pawn-brokers

Add the following sections

Section 3 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 4 Effective Date This act shall become effective immediately upon final nactment

The Title of the bill was read as follows

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Bank-

ing providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE COMMITTEE TO INVESTIGATE SOUNDNESS OF PAROLE SYSTEM

Mr. SCARLETT offered the following resolution, which was twice read:

In the Senate of Pennsylvania, May 6, 1937.

Whereas, A heinous sex crime was committed recently in Chester County by a person paroled from the Pennsylvania Industrial School at Huntingdon who has since been convicted of this crime: and

Whereas, The commission of such crimes raises in the minds of the public the soundness of a parole system which releases criminals from confinement only to perpetrate crimes of a similar nature; and

Whereas, A commission has been created at this Session of the General Assembly with power to make investigation respecting the probation and paroling of persons guilty of crime; therefore be it

Resolved, (if the House of Representatives concur), That the Senate of the Commonwealth hereby requests the Commission created by the Act of March 9, 1937, Act No. 11, authorized to make an investigation of the practice and procedure in the courts, to specifically investigate the facts and circumstances surrounding the parole of the defendent in the case recited in the preamble hereof.

Resolved, That a copy of this resolution be transmitted to the Commission created by said act.

Mr. SCARLETT. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Judiciary Special reported as committed, Senate Bill No. 1047 entitled:

An Act to amend the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An Act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised, the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further modifying the terms, qualifications, and other conditions under which the investment of trust funds may be made by fiduciaries; by further providing for additional investments of trust funds by fiduciaries; and by further providing with respect to the retention or sale of certain investments in the hands of fiduciaries

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Judiciary Special reported as committed, Senate Bill No. 1152 entitled:

An Act to amend section twenty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled, "An act relating to the organization, jurisdiction and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by authorizing the orphans' court to conduct jury trials to determine issues awarded by it; and regulating the procedure and appeal in such cases.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 87, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 248 (House Bill No. 140), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto a section.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 314, entitled:

An Act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled, "An act supplementary to an act regulating railroad companies approved the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine," so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof and the rights of dissenting stockholders

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 339, entitled:

An Act to amend the act approved the thirteenth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws two hundred five) entitled, "An act prescribing the amount of stock and monds which may be issued by railroad companies heretofore or hereafter consolidated and mrged," by making the same applicable to the surviving company in case of a merger and by modifying the limitations, restrictions and conditions affecting the issue of stock and bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 585, entitled:

An Act providing for the establishment of a State Youth Commission and local Youth Commissions and prescribing powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 642, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase, condemnation, or otherwise for State Park purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 650, entitled:

An Act relating to weights and measures; regulating the weights and deliveries of commercial laundries, performing, selling or offering for sale laundry services on the basis of weight; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 710, entitled:

A Joint Resolution proposing an amendment to Article nine, section eight, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 794 (House Bill No. 647), entitled:

An Act to promote public health, morals, safety and welfare by providing for the supervision and encouragement of housing; creating a State Board of Housing, a departmental administrative board within the Department of Health; providing for the organization of the board, the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise the operations of limited dividend housing companies and housing authorities and their members and employes, commence actions to prevent violations of law and to surcharge members of authorities, supervise rentals charged by limited dividend companies, charge fees for services; providing for the selection and removal of the board's employes, providing for appeals from its orders; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 836 (House Bill No. 455), entitled:

An Act to amend section one of the act, approved the twenty-fourth day of June, one thousand nine hundred and nineteen, (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," as amended; increasing the compensation of members of the General Assembly.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 847, entitled:

An Act to amend section five hundred thirty-eight, and sections five hundred forty and five hundred forty-one as amended, and to repeal section five hundred thirty-nine of of the act approved the eighteenth day of May, one thou- hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together sand nine hundred and eleven (Pamphlet Laws three with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for taxation in school districts of the second, third and fourth class on the basis of assessments and valuations for county purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consid-

eration of Senate Bill No. 865 (House Bill No. 1172), entitled:

A Joint Resolution proposing an amendment to section one, Article nine fo the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 963 (House Bill No. 71), entitled:

A Joint Resolution proposing an amendment to Article one, section six of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1011 (House Bill No. 817, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1020, entitled:

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "an act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for the employment by school auditors and for the compensation of an attorney.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1025, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen, article four of the act approved the seventeenth day of May, one thousand nine hundred and twentyone (Pamphlet Laws six hundred eightytwo) entitled, "An act helating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended further defining group life insurance

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1029, (House Bill No. 1113), entitled:

An Act to enable tax collectors and receivers of taxes to make returns of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and validating the liens of such taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1043, entitled:

A Joint Resolution proposing an amendment to section four, Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1047, entitled:

An Act to amend the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits aginst fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further modifying the terms, qualifications, and other conditions under which the investment of trust funds may be made by fiduciaries; by further providing for additional investments of trust funds by fiduciaries; and by further providing with respect to the retention or sale of certain investments in the hands of fiduciaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1049, entitled:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pensylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, prohibiting seditious teaching in public and private schools.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1072, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1093, (House Bill No. 905), entitled:

An Act prohibiting industrial police from carrying weapons when not on duty, requiring them to leave the same at place of employment and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1120, entitled:

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled, "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial scales of the properties liened; the distribution of the proceeds of such scales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claims.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1130, entitled:

An Act to further amend the act approved the fifteenth day of May, one thousand nine hundred and fifteen (P. L. 534) entitled, "An act relating to motion-picture films, reels, or stereopticon views or slides; providing a system of examination, approval and regulation thereof, and of the banners, posters, and other like adverstising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of the act," by prohibiting the possession of motion picture films, reels or views not approved; requiring permits in certain cases; and increasing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1133, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65) entitled, "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorizied to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1137, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding section eighteen.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1138, entitled:

An Act prohibiting the sale, transfer, purchase ownership, possession and use of tear and noxious gas, and tear gas guns; providing certain exemptions; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1148, (House Bill No. 1411), entitled:

An Act to further amend the act approved the thirtieth day of March, one thousand nine hundred and seventeen P. L. 21) entitled, "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith," by conferring certain powers on the State Board of Optometrical Examiners, further regulating and

providing for the licensing of branch offices, prescribing additional grounds for refusing, cancelling, revoking or suspending licenses and making certain changes as to persons who are and those who are not subject to the provisions of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1149, (House Bill No. 1557), entitled:

A Joint Resolution proposing an amendment to Article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1152, entitled.

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled, "An act relating to the organization, jurisdiction and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by authorizing the orphans' court to conduct jury trials to determine issues awarded by it; and regulating the procedure and appeals in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1153, entitled:

A Supplement to the act approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of the cities of the second class;" establishing a Department of Lands and Buildings in said cities; providing for its officers and employes; defining the powers, duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1154, entitled:

An Act to amend Article four of the act approved the seventh day of March, one thousand nine hundred one (Pamphlet Laws twenty) entitled, "An act for the government of cities of the second class," transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1156, entitled:

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of waterworks and for extensions and improvements to waterworks; providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers; and establishing the rights of bondholders.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1157, entitled:

An Act authorizing and empowering cities of the second class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase, lease, gift, and the power of eminent domain, and to use, sell and purchase water within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages, and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1158, entitled:

An Act providing a method of annexation of townships and parts of townships to cities and boroughs, and regulating the proceedings pertaining thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1166, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1171, entitled:

A Joint Resolution proposing an amendment to Article nine, section fifteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn.

Mr. RUTH. Mr. President, I second the motion.

The Senate adjourned at 7:00 p. m. until 9:00 o'clock Monday evening, May 10, 1937, E. S. T.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, MAY 10, 1937. No. 55.

SENATE

MONDAY, May 10, 1937.

The Senate met at 9 o'clock p. m.

The President (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L. L. D. offered the following prayer:

Thou Infinite Spirit, always and altogether good, who, in holy love, dost create, sustain and order all things we exalt ourselves, as with grateful praise we acclaim Thee our Father who art in Heaven.

We need Thee every hour; yet, as we face great issues, great opportunities and great responsibilities, at this hour we would not let Thee go except Thou bless us.

Give us large measure of Thy holy mind. Impart to us a spirit of accord. Endue us with a will to agree with that wisdom which is peaceable and easy to be entreated.

May we be sensible to Thy available grace, that we may show forth the glory of the Lord. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PYTKO the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

OPPOSING ANY BILL WHICH WOULD ABOLISH PRESENT SYSTEM OF POOR RELIEF BY ELECTED POOR DIRECTORS, OR LIMIT THEIR POWERS OR DUTIES.

Petitions from thousands of citizens of the Commonwealth opposing any measure or bill introduced in the Senate or the House of Representatives of the General Assembly which by any reasonable construction is calculated to abolish the present system of general poor relief by elected Poor Directors, or to curtail or limit their power and duties under existing law.

Which was referred to the Committee on Welfare.

ENDORSING BILL FAVORING A SALARY INCREASE FOR STATE LIQUOR EMPLOYEES.

Resolution from Eugene Mehrlich, Secretary of Allegheny County Retail Liquor Dealers Association endorsing any Bill favoring a salary Increase for State Liquor Stores Employees.

Which was referred to the Committee on State Boards.

PROTESTING AGAINST PASSAGE OF THE FUEL OIL TAX BILL.

Communication from Frank Kreis, Jr. of Philadelphia, Pa., protesting against the proposed tax on fuel oil.

Which was referred to the Committee on Finance.

FAVORING IN GENERAL PASSAGE OF McGINNIS BILL (SENATE BILL NO. 341) AND SENATE BILL NO. 343.

Petitions from numerous citizens of New Brighton, Pa., favoring enactment of the McGinnis Bill (Senate Bill No. 341) to amend the present hard liquor laws of the State; and opposing McGinnis Bill Senate Bill No. 343, to amend the fermented liquor law.

Which was referred to the Committee on State Boards.

COMMUNICATION FROM HONORABLE JOHN B. KELLY

Hon. John C Morlock
Secretary of the Senate,
Harrisburg, Pa.

Dear Sir:

The Resolution of the Senate of Pennsylvania, expressing the sympathy of its members for my family and myself in the death of my sister, Mrs. Anna Frommeyer, has been transmitted to me.

Needless to say I am very grateful for their kindly thought of us and for their understanding of a loss which is a great one for me.

Will you present to the Senators my acknowledgement of the Resolution and convey to them my sincere thanks and heartfelt appreciation.

Very sincerely,

JOHN B. KELLY
Secretary of Revenue

TELEGRAM FROM MORTON WITKIN

The Chair cleared his table and laid before the Senate the following telegram:

Philadelphia Pa., May 10, 1937

Hon. Thomas Kennedy
Harrisburg, Pa.

Statement appearing in night extra bulletin reading" Witkin Asserts Former Convicts served in Senate" is incorrect Stop Proper statement in answer to Mr. Shapiro was that there are "exconvicts in employ of House and Senate" stop have requested Bulletin to correct statement and am advised it will be done in next edition stop desire if you deem it proper that this communication be read on floor of Senate.

Morton Witkin President County Commissioners.

HOUSE MESSAGE

Resolution requesting legislative commission under Act No. 11 session of 1937, to investigate circumstances surrounding parole of defendant in Chester County sex crime.

The Clerk of the House of Representatives being introduced He also informed the Senate that the House has concurred in resolution from the Senate, as follows:

In the Senate of Pennsylvania, May 6, 1937.

Whereas, A heinous sex crime was committed recently in Chester County by a person paroled from the Pennsylvania Industrial School at Huntingdon who has since been convicted of this crime; and

Whereas, The commission of such crimes raises in the minds of the public the soundness of a parole system which releases criminals from confinement only to perpetrate crimes of a similar nature; and

Whereas, A commission has been created at this Session of the General Assembly with power to make investigations respecting the probation and paroling of persons guilty of crime; therefore be it

Resolved, If the House of Representatives concur that the Senate of the Commonwealth hereby requests the Commission created by the Act of March 9, 1937, Act. No. 11, authorized to make an investigation of the practice and procedure in the courts, to specifically investigate the facts and circumstances surrounding the parole of the defendant in the case recited in the preamble hereof.

Resolved, That a copy of this resolution be transmitted to the Commission created by said act.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth which were read as follows and referred to the Committee on Executive Nominations:

JUDGES OF COMMON PLEAS COURT NO. 7 PHILADELPHIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

L. Stauffer Oliver, of Germantown, Philadelphia County, for appointment as President Judge of the Court of Common Pleas No. 7 of Philadelphia County, to serve until the first Monday of January, 1938.

James C. Crumlish, of Philadelphia, Philadelphia County, for appointment as Judge of the Court of Common Pleas No. 7 of Philadelphia County, to serve until the first Monday of January, 1938 (this appointment to have priority over the appointment of Joseph Sloane).

Joseph Sloane, of Philadelphia, Philadelphia County, for appointment as Judge of the Court of Common Pleas No. 7 of Philadelphia County, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

JUDGES OF THE FAMILY COURT OF PHILADELPHIA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Isaac Crawford Sutton, of Philadelphia, Philadelphia County, for appointment as President Judge of the Family Court of the County of Philadelphia, and designated first in seniority, to serve until the first Monday of January, 1938.

Michael A. Spatola, of Philadelphia, Philadelphia County, for appointment as Judge of the Family Court of the County of Philadelphia, and designated second in seniority, to serve until the first Monday of January, 1938.

Felix Piekarski, of Philadelphia, Philadelphia County, for appointment as Judge fo the Family Court of the County of Philadelphia, and designated third in seniority, to serve until the first Monday of January, 1938.

Joseph Moss, of Philadelphia, Philadelphia County, for appointment as Judge of the Family Court of the County of Philadelphia, and designated fourth in seniority, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

MEMBER OF BOARD OF GAME COMMISSIONERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John H. Price, of Scranton, Lackawanna County, for appointment as a member of the Board of Game Commissioners, for the term of six years, vice J. Q. Creveling, of Wilkes-Barre, resigned.

GEORGE H. EARLE.

JUSTICES OF PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate N. E. Hetrick, of South Brady Township, Huntingdon County, for appointment as Justice of the Peace in the Borough of Mill Creek, Huntingdon County, until the first Monday of January, 1938, vice I. N. Foust, of Mill Creek, deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Robert Angwin, of West Pittston, Luzerne County, for appointment as Justice of the Peace in the Borough of West Pittston, Luzerne County, until the first Monday of January, 1938, vice Fred D Reber, deceased.

L. Robert Crouse, of Littlestown, Adams County, for appointment as Justice of the Peace in the Borough of Littlestown, Adams County, until the first Monday of January, 1938, vice Charles H. Mayers, deceased.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10. 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

H. Y. Crossland, 728 Frick Bldg., Pittsburgh.
Fred W. Schwarz, Dormont.
Miss Elizabeth Stratton, McKeesport.

ARMSTRONG COUNTY

Harry W Dame, Ford City.

BUCKS COUNTY

Harry H. Gough, Bristol.

CLEARFIELD COUNTY

O. A. McGarvey, Irvona.

DELAWARE COUNTY

Grover C. Kauffman, Drexel Hill, Upper Darby Twp.

FAYETTE COUNTY

Miss Betty Beets, Masontown.
S. E. Porter, Dawson.

LEHIGH COUNTY

Warren C. Keiss, Allentown.

LUZERNE COUNTY

Donald Betterly, Kingston.
Miss Mary G. Dunnigan, Hazelton.
Miss Anne Mekelyta, Wilkes-Barre.

NORTHAMPTON COUNTY

Miss Frances Labate, Easton.

PHILADELPHIA COUNTY

Miss Mary Dwyer Gibney, 2100 Arch St., Philadelphia.
Miss Jean McAleer, 1020 Girard Trust Co. Bldg., Philadelphia.
Miss Sara S. Robinson, 18 W. Chelten Ave., Philadelphia.

WASHINGTON COUNTY

Miss Elma G. Hepler, Charleroi.

WESTMORELAND COUNTY

Howard A. Rhodes, Greensburg.

GEORGE H. EARLE.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, The Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL NO. 831

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 831, Printer's No. 213, entitled "An Act Authorizing the Secretary of the Commonwealth to publish a proposed amendment to article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the city of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven."

GEORGE H. EARLE.

APPROVAL OF SENATE BILLS NOS. 58, 362, 245, 515, 558, 559, 827.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg,

To the Honorable, The Senate of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 58, Printer's No. 362, entitled "An Act To amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled 'An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof,' taking from said court jurisdiction in certain civil and criminal actions and certain actions in equity."

Senate Bill No. 245, Printer's No. 82, entitled "An Act To amend part of section one of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 504), entitled, 'An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand; and to provide the time for paying the same,' by reducing the fee charged for filing municipal or tax liens."

Senate Bill No. 515, Printer's No. 262, entitled "An Act Authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes."

Senate Bill No. 558, Printer's No. 296, entitled "An Act To further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition."

Senate Bill No. 559, Printer's No. 278, entitled "An Act To amend Article ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled, 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith,' by requiring the Superintendent of Public Instruction to withhold appro-

priations from school districts until all reports required by law are filed, and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations."

Senate Bill No. 827, Printer's No. 226, entitled 'An Act To further amend section five of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 944) entitled "An act relating to salaries compensation bonds offices and supplies of certain county officers their deputies and clerks in counties of the sixth class' by fixing the time for annual meetings and requiring other meetings of the salary board."

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR, SENATE BILL NO. 22

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1937.

To the Honorable, The Senate of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and the House of Representatives recalling from the Governor Senate Bill No. 22, Printer's No. 271, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 372.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1937.

To the Honorable, The Senate of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and the House of Representatives recalling from the Governor Senate Bill No. 372, Printer's No. 216, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 377.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1937.

To the Honorable, The Senate of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 377, Printer's No. 243, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 923, entitled:

An Act to amend section three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 920) entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners, of the proper county; and for the payment of damages occasioned thereby by the county, and repealing certain acts," as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken, injured or destroyed by the change of width, lines and locations of State highways in boroughs and incorporated towns, and the cost of removal of structures where the county does not agree to such changes or removals, requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners, and fixing the time when the Secretary of Highways may begin work.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS OF COMMITTEES

Mr. JASPAN, from the Committee on Welfare reported as committed, Senate Bill No. 1121, entitled:

An Act providing for the erection, construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from the General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties, to the extent, and in the manner, provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon, and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

Also, from the Committee on Welfare re-reported as committed, Senate Bill No. 882, entitled:

An Act to amend section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-six (Pamphlet Laws, twenty-eight) entitled, "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

With the Understanding that the bills shall be returned to the Committee on Welfare after Second Reading.

Mr. RODGERS, from the Committee on Welfare, re-reported as committed Senate Bill No. 776, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive

and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from, State penal and correctional institutions; empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions; eliminating the office of business manager in State institutions under the Department of Welfare; authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals; authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment, and to make periodical surveys of the buildings, equipment, land, and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; making further provision for bid performance bonds of bidders for State contracts; extending the scope of the work of the State Park Commission; further regulating purchases made directly by departments, boards and commissions; requiring counties to pay compensation and expenses of special attorneys in criminal cases; authorizing the Governor to grant commissions to State pilots; providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth; providing for the promogulation of rules and regulations by, and enlarging the powers of, the Department of Forests and Waters and the Water and Power Resources Board; further regulating the maximum price that may be paid for land acquired for State forestry purposes; prescribing the membership and powers and duties of the State Park Commission; creating and prescribing the powers and duties of Regional State Park Boards; eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes; eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor, the Pennsylvania Game Commission; eliminating the Public Service Commission of the Commonwealth of Pennsylvania, and extending the provisions of the Code to its successor, the Pennsylvania Public Utility Commission; transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue, and the State Board of Undertakers from the Department of Public Instruction to the Department of Health; eliminating the State Aeronautics Commission, the Pennsylvania Alcohol Permit Board, and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives, and the Anatomical Board; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

Also, from the Committee on Welfare, reported as committed Senate Bill No. 1122, entitled:

An Act providing for the erection, construction and equipment of a Maximum Security State Penitentiary for the detention, care, maintenance and employment of maximum security prisoners, transferred thereto from the Eastern and Western Penitentiaries; designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority; authorizing the Commonwealth to lease the penitentiary and its grounds from the General State Authority upon its completion, and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

Mr. McGINNIS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 61, entitled:

An Act authorizing executors, guardians and trustees to purchase life, endowment or annuity contracts in companies approved and duly authorized to carry on such business in the State of Pennsylvania.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 486, entitled:

An Act to further amend section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly;" making additional provision for the filing of tax claims.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1051, entitled:

An Act declaring forfeitures of Commonwealth grants of public works, canals, rights and privileges, where the conditions, covenants or terms of such grants have been, or shall hereafter be, breached by disuse or otherwise by the owners or holders thereof; authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act; and ratifying any and all such pending proceedings.

Mr. KAHLE, from the Committee on Welfare, reported as amended, Senate Bill No. 593, (House Bill No. 645), entitled:

An Act to authorize cities boroughs towns townships counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks playgrounds streets and other improvements and facilities by exercising certain other powers and by making agreements relating to such aid to authorize cities boroughs townsh townships and counties to contract with respect to the sums to be paid them for improvements services and facilities to be provided

for the benefit of housing projects and the occupants thereof to authorize certain cities and counties to make an appropriation for the first years' administrative expenses of housing authorities and to authorize certain cities boroughs towns and counties to pay moneys to housing authorities.

Mr. HENNEY, from the Committee on Welfare, re-reported as committed, Senate Bill No. 878, entitled:

An Act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons, providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure.

Also, from the Committee on Welfare, reported as committed, Senate Bill No. 142, entitled:

An Act relating to public assistance, including local poor relief, unemployment relief, pensions for the blind, mothers' assistance, old age assistance and benefits and other forms of public charity or assistance; creating a State Public Assistance Commission and county public assistance boards; defining their powers and duties; abolishing certain State and local agencies; taking away certain functions of the Department of Welfare; creating county public assistance districts; transferring to them the property and functions of county and local poor districts; abolishing all such poor districts; taking away certain functions of cities; imposing certain expenses on counties; providing for the allocation and distribution of State and Federal moneys available for public assistance; and conferring powers and imposing duties on certain State and county officers and on courts of common pleas.

Mr. DiSILVESTRO, from the Committee on Corporations reported as committed, Senate Bill No. 1125, (House Bill No. 135), entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators or those attempting to form an association of labor groups to approve or disapprove their incorporation or their attempted association or right to do business within the Commonwealth

Mr. RANKIN, from the Committee on Welfare, reported as committed, Senate Bill No. 1050, entitled:

An Act to amend the act approved the twenty-ninth day of May, one thousand nine hundred thirty-five (P. L. 261), entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor, to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives, and to acquire in exchange a certain tract therefor," by substituting Owen J. Zimmerman, or his successor in title, for Samuel Zimmerman.

Also, from the Committee on Welfare re-reported as amended, Senate Bill No. 877, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State Board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

Mr. DEITRICK, from the Committee on Education reported as committed, Senate Bill No. 1134, entitled:

An Act to repeal the act approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws one hundred two) entitled, "An act transferring money from the State School Fund to the General Fund, and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

Also, from the Committee on Mines and Mining reported as committed, Senate Bill No. 1119, entitled:

An Act providing for the qualifications, examination, appointment, term of office and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines and the courts; and imposing penalties.

With the understanding that the bill be returned to committee after Second Reading for a public hearing.

Mr. SCARLETT, from the Committee on Welfare reported as committed Senate Bill No. 1081, (House Bill No. 1639), entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment and training of defective delinquents; providing for the commitment and transfer of such persons to such institution and discharge therefrom; conferring powers and imposing duties on the Department of Welfare and courts; and imposing certain charges on counties.

Also, from the Committee on Welfare re-reported as amended, Senate Bill No. 876, entitled:

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto, abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them, providing for the temporary employment of certain of them, providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations, revising, amending, changing and consolidating the law relating to the care of the poor and repealing existing laws.

Mr. WOLFENDEN, from the Committee on Welfare reported as committed, Senate Bill No. 949, entitled:

An Act authorizing the Governor to appoint a commission to make studies in respect to the employment of persons over the age of fifty years; and making an appropriation.

Also, from the Committee on Welfare re-reported as amended, Senate Bill No. 883, entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age benefits, and the State Emergency Relief Board.

With the understanding that these bills be returned to committee after Second Reading for further consideration.

Mr. GELDER, from the Committee on Education reported as amended, Senate Bill No. 969, entitled:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended extending the time within which appeals from auditors' reports may be taken

Also, from the Committee on Education reported as committed, Senate Bill No. 1041, entitled:

An Act to amend section one thousand two hundred and two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," requiring teachers to be citizens, except in certain cases.

BILLS INTRODUCED

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 1214, entitled:

An Act to repeal section two of the act, approved the first day of April, one thousand seven hundred and ninety-seven, (3 Smihts' Laws 294), entitled "An act to regulate the manner of selling loaf bread, and to repeal certain existing laws respecting the same."

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair Senate Bill No. 1215, entitled:

An Act making an appropriation to the Department of Forests and Waters for the acquisition of certain lands as state forest lands.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 1216, entitled.

An Act to further amend subsection (e) of eight hundred and one of the act, approved the first day of May, one thousand nine hundred and twenyt-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the tilting, including liens, encumbrances, and legal claims; registraton of certain vehicles, and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerfis thereof; owners of vericles, and garage keepers; providing that records are amissible as veidence; imposing upon owners, counties, cities, boroughs, incorpcrated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles, imposing penalties; imposing certai ncosts upon counties; providing for the disposition of fines, forfeitures, fees, and m miscellaneous receipts; making an appropriation and providing for refunds," requiring all motor vehicles, trailers and semi-trailers to have red reflectors at the rear.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 1217, entitled:

An Act to enable the courts of quarter sessions to restore to the possession and ownership of former owners thereof certain intxicating liquors seized for violation of law, notwithstanding the convictions of said liquor of an offense in respect thereof.

Which was committed to the Committee on State Boards.

Also read in his place and presented to the Chair Senate Bill No. 1218, entitled:

An Act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; requiring certain persons, copartnerships, associations and corporations hereafter first engaging in the mining of bituminous coal to secure a permit from the Department of Labor and Industry; and prescribing the powers and duties of said department; providing for appeals; and prescribing penalties.

Which was committed to the Committee on Mines and Mining.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 1219, entitled:

An Act to amend sections one, three, eight and ten of the act, approved the twenty-seventh day of June, one tilted "An act establishing a State employes retirement system and creating a retirement board for the administration thereof; establishing certain funds for contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom; and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departallowances, returned, benefits and rights from taxation ments in which State employes serve; excepting annuities

and judicial process; and providing penalties," as amended, qualifying members of the General Assembly as members of the state retirement system.

Which was committed to the Committee on State Government.

Mr. REED, read in his place and presented to the Chair, Senate Bill No. 1220 entitled:

An Act to validate conveyances purporting to be the act and deed of a corporation heretofore erroneously executed and acknowledged, or executed and acknowldged by persons purporting to be agents of or trustees for a corporation which has since been dissolved.

Which was committed to the Committee on Judiciary Government.

Mr. JASPAN,read in his place and presented to the Chair Senate Bill No. 1221 entitled:

An Act imposing upon all public companies having more than one rate, to charge and bill their customers that rate which would be more economical for their particular purpose and providing penalties.

Which was committed to the Committee on Public Utilities.

Also read in his place and presented to the Chair, Senate Bill No. 1222 entitled:

An Act to amend section two of the act approved the twenty-third day of May, one thousand eight hundred and seventy-four (P. L. 230), entitled "An act dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class," by providing that the election for the determination of the question of division of any ward shall be held at the next primary election, rather than at the next municipal or general election.

Which was committed to the Committee on City Government.

Mr. KILGALLEN read in his place and presented to the Chair, Senate Bill No. 1223 entitled:

An Act to amend section one of the act approved the tenth day of May, one thousand nine hundred twenty-seven (P .L. 879), entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise fixtures, machinery, equip ment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties," providing for the payment of unemployment compensation contributions.

Which was committed to the Committee on Labor and Industry.

Mr. SCARLETT read in his place and presented to the Chair, Senate Bill No. 1224 entitled:

An Act to amend Article nine of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, dissolution of such corporationss; conferring certain rights, powers, deties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; presribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be renrered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that a domestic business corporation formed by a merger of one or more domestic business corporations and one or more foreign business corporations shall be entitled to a credit on the bonus due the Commonwealth equal to the amount of the bonus paid under existing laws by the corporations so merging.

Which was committed to the Committee on Corporations.

Mr. LAW. read in his place and presented to the Chair, Senate Bill No. 1225 entitled:

An Act making an appropriation out of The State Stores Fund to the Department of Property and Supplies for the acquisition of land (With or without buildings thereon) and for the erection, construction and equipment of an office building thereon for the use of the Pennsylvania Liquor Control Board.

Which was committed to the Committee on Appropriations

Mr. SONES read in his place and presented to the Chair Senate Bill No. 1226 entitled:

An Act authorizing the Joint Commission having jurisdiction over bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New York to sell and dispose of certain real estate and personal property to lease real estate and to license Public Utility Companies to occupy with their facilities parts of such bridges as are within the urisdiction of the Commission and providing for the disposal of the proceeds thereof.

Which was committed to the Committee on State Boards.

ALSO read in his place and presented to the Chair Senate Bill No. 1227 entitled:

An Act to further amend section eleven of the act approved the seventeenth day of February, one thousand nine hundred six (Pamphlet Laws, fortyfive), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereof, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by eliminating the publication of monthly statements of moneys in the State Treasury.

Ghich was committed to the Committee on State Government.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 1228 entitled:

An Act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county, any real estate and property appropriate for agriculture fairs of exhibits, and to lease the same without expense or liability to the county, to any incorporated agriculture liability association; to operate and conduct an annual fair within any county.

Which was committed to the Committee on Agriculture.

ALSO read in his place and presented to the Chair Senate Bill No. 1229 entitled:

An Act to repeal section thirty of the act approved the first day of May one thousand eight hundred sexty-one (Pamphlet Laws four hundred fifty) entitled "An act relating to Allegheny County."

Which was committed to the Committee on County Government.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 1230 entitled:

An Act providing for the creation of a trade school in cities of the first class and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 1231 entitled:

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor, to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap, to the City of Harrisburg, for the purpose of impounding water for a water supply! and appropriating the moneys received therefrom to the Department of Military Affairs.

Which was committed to the Committee on State Government.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 1232 entitled:

An Act to further amend the act approved by second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending annd consolidating the laws relating thereto," by adding thereto section one hundred forty-nine and one-tenth, authorizing county treasurers in fourth class counties to appoint solicitors whose salaries shall be paid by the respective counties.

Which was committed to the Committee on County Government.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 1233 entitled:

An Act prohibiting during a declared emergency, foreclosure of mortgages, actions and judgments on guaranties of payment of bonds and mortgages and on notes, bonds, debentures and other instruments in connection therewith, for failure to pay the principal or part of the principal or part of the principal alone; and providing in certain cases, for the application of certain income from the property towards the payment of principal.

Which was committed to the Committee on Judiciary General

Also read in his place and presented to the Chair Senate Bill No. 1234, entitled:

An Act prohibiting during a declared emergency, foreclosure, entry of judgment and issuance of execution on agreements, bonds and mortgages affecting real property, because of failure to fully discharge municipal liens against such property, where such liens, pursuant to ordinance or solution are being paid in installments.

Which was committed to the Committee on Judiciary General.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1235 entitled:

An Act providing for the creation division and consolidation of wards in cities of the first class and defining procedure therefor.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 1236 entitled:

An Act providing that negligence arising out of a road defect or obstruction shall not be presumed, but shall be proved as any other existing facts

Which was committed to the Committee on Judiciary Special.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 1237 entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College, subject to certain reservations, the Mont Alto State Forest School; and to accept a conveyance from said college of a tree nursery tract.

Which was committed to the Committee on State Government.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 1238 entitled:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation.

Which was committed to the Committee on Appropriations.

TIME OF NEXT MEETING

Mr. SONES, offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 10, 1937

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 17th, at nine o'clock Eastern Standard Time; and when the House of Representatives adjourn this week it reconvene on Monday evening May 17th, at nine o'clock, Eastern Standard Time.

Ordered. That the Clerk present the same to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. KUNKEL. Mr. President, I ask unanimous consent that Senate Bill No. 64 on concurrence in House Amendment, entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 366 as follows:

An Act to amend sections three four six and seven of and to add section 9.1 to the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the

people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects removing the date by which projects must be commenced removing certain restrictions against the construction of projects making such Authority perpetual fixing the quorum of the Authority providing for the leasing of projects by the Authority to the Commonwealth clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling assigning mortgaging or otherwise disposing of any of the assets belonging to the Authority and clarifying certain provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three four six and seven of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" are hereby amended to read as follows:

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies and the President pro tempore of the Senate and their respective successors in office and two citizens of Pennsylvania one to be appointed by the Governor and one by the President pro tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor or President pro tempore of the Senate [making the original appointment] as the case may be

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth [at the seat of the State government] State arsenals armories and military reserves State airports and landing fields [State tuberculosis sanatoria additions to present] State [hospitals normal schools teachers colleges penal or correctional] institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and [low head] dams and improvements to river embankments (any and all the foregoing being herein called "projects") [Provided however That no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence [for a period of thirty-two years] as a corporation.

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority.

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof.

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all

or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however that the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or of any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such right may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the Authority itself could so do) enter and take possession of the facilities of the Authority or any parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustees the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

In addition to all other rights and all other remedies any holder of bonds of the Authority shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority including the right to require the Authority to collect fees rentals and other charges adequate to carry out any agreement as to or pledge of such fees rentals or other charges or income revenues and receipts and to require the Authority to carry out any of its covenants and agreements with the bondholders and to perform its and their duties under this act Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise dispose of any of the assets of whatever kind and character belonging to the Authority. It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority

Section 7 Governing Body The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board Within ninety days after this act shall become effective the board shall meet and organize by electing from their number a president and secretary At the first regular meeting in each year thereafter they shall elect from their number a president and secretary.

[Six] Five members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action shall only be taken by vote of a majority of the members of the Authority unless in any case the by-laws shall require a larger number The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper.

Section 2 That said act is hereby amended by adding thereto Section 9.1 to read as follows"

Section 9.1 Contracts to Lease and Leases by Department from Authority The Department shall have power and authority with the approval of the Governor to enter into contracts with the Authority to lease as lessee from the Authority any or all of the projects undertaken by the Authority for a term with respect to each project constructed not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of the said project the Department shall have power and authority with the approval of the Governor to lease as lessee any or all of the projects completed by the Authority for a term with respect to each project leased not exceeding thirty (30) years at such

rental or rentals as may be determined by the Authority.

Section 3 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Cavalcante,	Huffman,	Law,	Rice,
Dando,	Jacobs,	Mallery,	Rodgers,
DiSilvestro,	Jaspan,	McCreesh,	Rupp,
Eroe,	Kahle,	McGinnis,	Ruth,
Gilson,	Kilgallen,	Pytko,	Sipe,
Haluska,	Kunkel,	Rankin,	Sones,
Henney,	Lanius,	Reed,	Thompson,
Heyburn,			

NAYS—12

Bean,	Deitrick,	Homsher,	Scarlett,
Buckman,	Ealy,	Owlett,	Wolfenden,
Chapman,	Gelder,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 425, as follows:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Factual Background Women and minors are employed in some occupations in trade and industry in the Commonwealth of Pennsylvania for wages unreasonably low and not fairly commensurate with the value of the services rendered Such a condition is contrary to public interest and public policy commands its regulation Women and minors employed in such industries are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards and "freedom of contract" as applied to their relations with their employers is illusory Judged by any reasonable standard wages in such industries are often found to bear no relation to the fair value of the services rendered Women and minors employed for gain in such occupations are peculiarly subject to the overreaching of inefficient harsh or ignorant employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards the standards such as exist tend to be set by the least conscionable employers In the absence of any effective minimum fair wage rates for women and minors the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers reduces the purchasing power of the workers and threatens the stability of industry The evils of oppressive unreasonable and unfair wages as they affect women and minors employed in the Commonwealth of Pennsylvania are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well being

Section 2 Definitions as used in this act

(1) "Secretary" shall mean the Secretary of Labor and Industry

(2) "Department" shall mean the Department of Labor and Industry

(3) "Wage board" shall mean a board created as provided in this act

(4) "Women" shall mean a female of twenty-one years or over

(5) "Minor" shall mean a person of either sex under the age of twenty-one years

(6) "Occupation" shall mean an industry trade business or class of work in which women or minors are gainfully employed but shall not include domestic service in the home of the employer or services in a religious community or charitable institution or labor on a farm or boys lawfully employed in the sale and delivery of newspapers and magazines

(7) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered

Section 3 Powers of Investigation The department shall have power

(1) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(2) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of

(a) Examining and inspecting any and all books registers payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the wages of any such women or minors and

(b) Ascertaining whether the orders of the department have been and are being complied with

(3) To require from such employer full and correct statements in writing at such times as the department may deem necessary of the wages paid to all women and minors in his employment

Section 4 Investigation of Occupation The Department shall have power and it shall be the duty of the department on the petition of fifty or more residents of the Commonwealth to cause an investigation to be made by any duly authorized representative of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving wages which are less than sufficient to maintain their health or efficiency If on the basis of information in its possession with or without a special investigation the department is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving such wages the secretary shall appoint a wage board to report upon the establishment of minimum fair wages for such women or minors in such occupation or occupations

Section 5 Basis of Fair Wage In establishing a minimum fair wage for any service or class of service under this act the secretary and the wage board without being bound by any technical rules of evidence or procedure may

(1) Take into account the cost of living and all other relevant circumstances affecting the value of the service or class of service rendered

(2) Be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid

(3) Consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

Section 6 Wage Boards

(1) A wage board shall be composed of not more

than three representatives of employers an equal number of representatives of employes and an equal number of disinterested persons representing the public one of whom shall be designated by the secretary as chairman The secretary shall appoint the members of such wage board the representatives of the employers and employes to be selected so far as practicable from nominations submitted by employers or employer representatives for employer members and by employes for employe members in such occupation or occupations Two-thirds of the members of such wage board shall constitute a quorum and the recommendations or report of such wage board shall require a vote of not less than a majority of all its members The members of a wage board shall be entitled to compensation at the rate of not exceeding ten dollars per day for each meeting attended by them or each day actually spent in the work of the board They shall also be paid their reasonable and necessary traveling and other expenses while engaged in performance of their duties The department shall make and establish from time to time reasonable rules and regulations not inconsistent with this act governing the selection of a wage board and its mode of procedure

(2) The department shall present to a wage board promptly upon its organization all the evidence and information in its possession relating to the wages of women and minor workers in the occupation or occupations for which the wage board was appointed and all other information which is deemed relevant to the establishment of a minimum fair wage for such women and minors and shall cause to be brought before the board any witnesses whom the department deems material A wage board may summon other witnesses or call upon the department to furnish additional information to aid it in its deliberation

(3) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence relative to any matters under investigation Such subpoenas shall be signed and issued by a member of the wage board and shall be served and have the same effect as if issued by the department under the authority vested in it by the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) and designated as the Administrative Code of 1929 A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for like depositions in civil actions in the court of common pleas

(4) Within sixty days of its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate If its report is not submitted within such time the secretary may appoint a new wage board as provided in clause (1) of this section

(5) A wage board may classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different classes of employment A wage board may also recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(6) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations

(7) In addition to the report a wage board may recommend such reasonable regulations as it may deem appropriate to safeguard the minimum fair wage standards recommended in its report Such regulations may among other things define and govern learners and apprentices their rates number proportion or length of service piece rates or their relation to time rates overtime or part-time rates bonuses or special pay for special or extra work deductions for board lodging apparel or other items or services supplied by the employer and other special conditions or circumstances and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification without departing from the basic minimum rates recommended by wage board the board may provide for such modifications or reductions of or additions to such rates in or for such special cases or classes of cases as those herein enumerated as the board may find appropriate to safeguard the basic minimum rates established

Section 7 Action on Report of Wage Board

(1) A wage board shall submit its report and recommendations to the department which shall within ten days thereafter accept or reject such report During such ten days the secretary or his representative may confer with the wage board which may make such changes in the report or recommendations as it may deem fit If the report is rejected the department shall re-submit the matter to the same wage board or to a new wage board to be appointed as provided in clause (1) of section six If the report is accepted it shall be published together with such of the regulations recommended by the board and with such modifications and amendments as the department may approve The department shall give notice of a public hearing to be held by the secretary or his representative not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard

(2) Within ten days after such hearing the department shall approve or disapprove the report of the wage board If the report is disapproved the department may re-submit the matter to the same wage board or to a new wage board If the report is approved the department shall make a directory order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and shall include the regulations as approved by the department

Section 8 Special Licenses For any occupation for which minimum fair wage rates have been established the department may cause to be issued to a woman or minor including a learner or apprentice whose earning capacity is impaired by age or physical or mental deficiency or injury a special license authorizing employment at such wages less than such minimum fair wage rates and for such period of time as shall be fixed by the department and stated in the license

Section 9 Order Made Mandatory If at any time after a directory minimum fair wage order has been in effect for three months the department is of the opinion based upon a statement of reasons in writing made by the department that the persistent non-observance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation or occupations the department may give notice of its intention to make such order mandatory and of a public hearing to be held not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to a mandatory order may be heard by the secretary or his representative After such hearing the department may make an order making the previous directory order or any part thereof mandatory and shall publish such order

Section 10 Publication of Names of Employers Not Observing Order If the department has reason to believe that any employer is not observing the provisions of any directory or mandatory order it may on fifteen days' notice summon such employer to appear before it to show cause why the name of such employer should not be published as having failed to observe the provisions of such order After such hearing and the finding of non-observance of such order by the secretary or his representative the department may cause to be published in a newspaper or newspapers published and circulating within the Commonwealth or in such other manner as it may deem appropriate the name of any such employer or employers as having failed in the respects stated to ob-

serve the provisions of such order of the department neither the secretary nor any authorized representative of the department nor any newspaper publisher proprietor editor nor any employe thereof shall be liable to an action civil or criminal for publishing the name of any employer as provided for in this article unless guilty of wilful misrepresentation

Section 11 Reconsideration of Minimum Fair Wage Order (1) At any time after a minimum fair wage order has been in effect for one year or more whether during such period it has been directory or mandatory the department may on its own motion and shall on a petition of fifty or more residents of the Commonwealth reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new wage board as provided in clause (1) of section six to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner prescribed in section seven of this act provided that if the order under reconsideration has theretofore been made mandatory in whole or in part by the department then the department in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory

(2) The department may from time to time propose such modifications of or additions to any regulations included in any directory or mandatory order of the department without reference to a wage board as may be deemed appropriate to effectuate the purposes of this act provided such proposed modifications or additions are reasonable and could legally have been included in the original order and shall give notice of a public hearing to be held by the secretary or his representative not less than fifteen days after such publication at which all persons may be heard in respect to such proposed modifications or additions After such hearing the department may make an order putting into effect such of the proposed modifications of or additions to the regulations as it may deem appropriate and if the order of which the regulations form a part has theretofore been made mandatory in whole or in part then the department in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory

Section 12 Review of Orders

(1) All questions of fact arising under this act except as otherwise herein provided shall be decided by the secretary or his representative and there shall be no appeal from the decision on any such question of fact but there shall be a right of review by the court of common pleas from any order ruling or holding on any question of law included or embodied in any decision of the secretary or his representative or order of the department

(2) Any such review shall be by the Court of Common pleas of Dauphin County Any person aggrieved by the decision of the secretary or his representative or by any order of the department may petition said court for such a review within thirty days after notice of such decision or order A copy of such petition shall be filed with the department which filing shall constitute service Within thirty days after service of the petition the department shall file with the prothonotary of said court a transcript of the record of the proceedings duly certified over the seal of the department which record shall include all papers on file and all evidence taken including stenographic notes of testimony The cost of said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs to be paid as the court may direct

(3) The court upon application of either party shall fix a time and place for argument After argument and review of the record and testimony the court may sustain modify or reverse the decision of the secretary or his representative or the order of the department as in its judgment the law may warrant

Section 13 Duty of Employer Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each and the wages paid by him to each and shall furnish to the department or its duly authorized agent upon demand a sworn statement of the same Such records shall be open to inspection by any duly authorized agent of the department at any reasonable time Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicious place in every room in which women or minors are employed Employers shall on request be furnished copies of order without charge Employers shall permit any duly authorized agent of the department to question any employe of such employer in the place of employment and during work hours in respect to the wages paid to and the hours worked by such employe or other employe

Section 14 Penalties

(1) Any employer and his agent or the officer or agent of any corporation who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this act or because such employer believes that said employe may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty nor more than one hundred dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment for not less than ten days nor more than thirty days

(2) Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employe less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall upon conviction thereof be sentenced to pay a fine of not less than fifty nor more than two hundred dollars or to undergo imprisonment of not less than ten nor more than ninety days or both such fine and imprisonment and each week in any day of which such employe is paid less than the rate applicable to him under a mandatory minimum fair wage order and each employer who paid less shall contitute a separate offense

(3) Any employer or the officer or agent of any corporation who fails to keep the records required under this act or to furnish such records or any information required to be furnished under this act to the department the secretary or any authorized representative of the department upon request shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five nor more than one hundred dollars and each day of such failure to keep the records requested under this act or to furnish such records or information shall constitute a separate offense

Section 15 Civil Action If any woman or minor worker is paid by his or her employer less than the minimum fair wage to which such worker is entitled under or by virtue of a mandatory minimum fair wage order such worker may recover in a civil action the full amount of such minimum wage less any amount actually paid to the worker by the employer together with costs and such reasonable attorney's fees as may be allowed by the court and any agreement between the employer and the worker to work for less than such mandatory minimum fair wage shall be no defense to such action At the request of any woman or minor worker paid less than the minimum wage to which such worker was entitled under a mandatory order the department may take an assignment of such wage claim in trust for the assigning worker and may bring any legal action necesary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court

Section 16 Act not to Apply to Certain Persons The provisions of this act shall not apply to any person or persons subject to the provisions of the Federal Railway Labor Act

Section 17 Unconstitutionality If any provisions of this act or the application thereof to any person or circumstances is held invalid the remainder of the act and the

application of such provisions to other persons or circumstances shall not be affected thereby

Section 18 Effective Date This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Huffman,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,

NAYS— 3

Ealy,	Buckman,	Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill 640, as follows:

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This act shall be known and may be cited as "Pennsylvania Labor Mediation Act"

Section 2 It is the public policy of the Commonwealth to encourage employers and employes by their representatives to make and maintain agreements concerning wages hours and conditions of employment and to settle all controversies arising out of the application of such agreements

Section 3 When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "employer" includes an employer and any person acting directly or indirectly on behalf of or in the interest of an employer with the employer's knowledge or ratification but a labor organization or any officer or agent thereof shall be considered an employer only with respect to individuals employed by such organization

(c) The term "employe" shall include any employe and shall not be limited to the employes of a particular employer unless the act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice as provided in the Act of 1937 entitled "Pennsylvania Labor Relations Act" This term however shall not include any individual taking the place of any employe whose work has ceased as aforesaid nor shall it include any individual employed by his parent or spouse or in the domestic service of any person in the home of the employer

(d) The term "representatives" is not limited to individuals but shall include labor organizations and individual representatives need not themselves be employed by and a labor organization serving as a representative need not be limited in membership to employes of the employer whose employes are represented

Section 4 The parties or either party to a controversy between employers and employes may invoke the services of the department or the department may proffer its services in a controversy over the making maintaining or the application of an agreement between employers and employes concerning wages hours or conditions of employment Whenever the services of the department have been invoked by any party to a controversy or when the department has proffered its services the department shall promptly put itself in communication with the parties to such controversy and shall use its best efforts by mediation through a representative of the Secretary of Labor and Industry to bring them in agreement

Section 5 For the further purpose of carrying out the provisions of this act the Department at the request of both the employer and the employes may set up a commission or panel whose members shall serve in such controversy without pay

Section 6 Whenever a controversy shall arise between an employer and his employes which is not settled either in conference between representatives of the parties or through mediation in the manner provided in the preceding sections such controversy may by agreement of the parties be submitted to arbitration one person to be selected by the employer one person to be selected by the employes and a third to be selected by the representatives of the employer and employes and in the event of any such appointment or selection not being made upon the request of the parties in the controversy the Department may select the third person to arbitrate the matter submitted provided however that the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of the policy or purpose of this act or of any provision thereof nor shall failure or refusal to arbitrate constitute a basis for any action at law or suit in equity

Section 7 Nothing in this act shall be construed so as to interfere with impede or diminish in any way the right of employes to strike or engage in other concerted activities

Section 8 If any clause sentence paragraph or part of this act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It it hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included herein

Section 9 All acts or parts of acts whether general special or local inconsistent herewith are hereby repealed Provided that this act shall not apply to any controversy involving unfair labor practices or the selection of collective bargaining representatives provided for in the Act of 1937 entitled "Pennsylvania Labor Relations Act"

Section 10 This act shall take effect immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,

Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder	Lanius,	Rodgers,	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 325, (House Bill No. 528), as follows:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Property and Supplies with the consent of the Governor and the Secretary of Highways is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell and convey for such consideration as may be agreed upon and to make and execute a deed conveying the following described property situate in Jackson Township Lebanon County and now in the control of the Department of Highways to wit

Beginning at a post in the middle of the Berks and Dauphin Turnpike Road thence along the said road westward forty feet to a post set for a corner and lands of Charles Kindry thence northward along said Kindry's lot two hundred and six feet to a post and land of Peter Stoudt thence eastward along said Stoudt land sixty feet to a post set for a corner and other lot of the said Necklons Noll thence southward along said Nolls lot two hundred and four feet more or less to the place of beginning. Containing 10,250 square feet more or less and know as Toll House Lot Number 9

Being the same premises which Necklons Noll et al by deed dated March 13, 1873 recorded in the Recorder's Office of Lebanon County in Deed Book G Volume 2 Page 584 granted to the President Managers and Company of the Berks and Dauphin Turnpike Road Company and which said company by deed dated August 30 1917 recorded in the Recorder's Office of Lebanon County in Corporation Deed Book Volume 2 Page 755 conveyed to the Commonwealth of Pennsylvania

Section 2 The cost of such conveyance shall be paid by the Grantee The moneys derived from such sale shall be paid into the Motor License Fund

Section 3 This act shall become effective immediately upon final enactment

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS— 1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmtive.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill 348, (House Bill No. 190), as follows:

An Act to amend clauses (i) and (j) of section four clauses (e) (f) and (j) of section two hundred eight and sections three hundred nine and five hundred seven of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing for certain additional persons to be considered as employers providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who were honorably discharged from such service further defining the qualifications and the method of examining personnel providing a system of promotion for employes in the civil service system further defining the scope of judgments obtained for the collection of employer contributions and extending the jurisdiction of courts of common pleas with respect to summons and subpoenas issued under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (i) and (j) of section four of section two hundred eight of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain funds in the custody of the State Treasurer and prescribing penalties" are hereby amended to read as follows

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty (20) days during the calendar

year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or sub-contractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or sub-contractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or sub-contractor for each day during which said individual is engaged in performing such work except that each such contractor or sub-contractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or sub-contractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or sub-contractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes entirely without this Commonwealth with respect to which no contributions are required and paid under an unemployment compensation law of any other state if the employe or employes included in such election maintain a domicile within this Commonwealth Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less then two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

(j) "Employment" means all service performed for remuneration or under any contract of hire express or implied written or oral (1) which is localized within this Commonwealth or (2) which is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operation or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "Employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact and (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed and (c) that such individual is customarily engaged in an independently established trade occupation profession or business

The word "employment" shall not include

(1) Agricultural labor

(2) Domestic service in a private home

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual

Section 2 That clauses (e) (f) and (j) of section two hundred eight of the said act are hereby amended to read as follows

(e) The secretary shall prescribe by rules and regulations the qualifications to be possessed by persons desiring employment in the various grades of employment in the administration of this act The qualifications shall be such as will best promote the most efficient administration of this act and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district created under the provisions of this act) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year and in the district in which such office is located for a period of not less than six months before making application

(f) Every individual desiring employment under the provisions of this act shall file with the board an application which shall be in a form prescribed by the board provided that such application shall be the same for all individuals desiring the same grade of employment and shall be so drawn as to reveal the qualifications as prescribed by the secretary In no case shall the board require of the applicant any information pertaining to his race creed color

or political affiliations Upon receiving such application the applicant shall be admitted to the next competitive examination in the grade of employment which he or she seeks Such competitive examinations shall be practical in their character and so far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of persons examined to discharge the duties of the service into which they seek to be appointed but no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position Such competitive examinations shall be in writing but in arriving at a final rating of applicants for such administrative and professional grades of employment as are so designated by the board the board may take into consideration such experience and personal qualifications as are related to the grades of employment for which applicants are being examined provided that the same standards shall apply with respect to all applicants in the same grade of employment Provided however That in the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall receive in addition to all other ratings an additional five per centum and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles

(j) The secretary shall make appointments to positions created under this act and shall fill vacancies as they may occur from the lists of eligibles certified to him by the board except with respect to positions filled by promotions as hereinafter provided and by the appointment of persons exempted by subsection (b) of this section In making appointments therefrom the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district or in the State as a whole as the case may be the applicant most suitable for the position in the grade of employment for which a vacancy exists taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled If upon inquiry by the secretary a person on the list of eligibles is found to be not available for employment or cannot be located his name shall not for the time being be considered among the three names from which a choice is to be made For the second vacancy the secretary shall make selection from the highest three persons remaining on such list of eligibles who have not been within his reach for three separate vacancies The third and any additional vacancies shall be filled in like manner

Vacancies in positions subject to the provisions of this section whether such positions be newly created or vacated for any reason by any former incumbent shall be filled in so far as practical by promotions from among employes holding positions in the lower grades In all cases an employe to be promoted shall possess the qualifications specified for the position and shall have served not less than six months (including service during any probationary period but not including service during any provisional employment) in a position under the provisions of this act Promotions shall be based on merit and upon the superior qualifications of the employe to be promoted as shown by his or her previous service record under this act The secretary may promote an employe to a higher position to which such employe has been certified as eligible by the board provided that the board shall in certifying such employe satisfy itself that the employe possesses the qualifications prescribed by the secretary for the higher position Before making such certification the board may require any employe or employes to take such qualifying or competitive examinations as the board may prescribe

Section 3 That sections three hundred nine and five hundred seven of the said act are hereby amended to read as follows

Section 309 Collection of Contributions and Interest If after notice by the department any employer fails neglects or refuses to pay any contributions due or the interest due thereon the amount due shall be collected by civil action in the name of the Commonwealth Civil actions brought under this section to collect contributions or interest thereon from any employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under the Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil actions Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Section 507 Procedure where Summons or Subpoenas Disobeyed In case any person refuses fails or neglects to obey a summons or subpoena issued under the authority of this act or fails refuses or neglects to produce any books papers correspondence memoranda or record the department or board or its agent duly authorized in writing may petition the court of common pleas of the county in which the inquiry is being carried on or within which the person summoned or subpoenaed is found or resides or transacts business setting forth the facts whereupon the court shall have jurisdiction to direct such person to appear before the department or its agent or before a referee or the board at a time and place fixed by the court and give such testimony and produce such books papers correspondence memoranda and other records as may be required or to issue to such person its subpoena requiring such person to appear before the court at a time fixed and there to give testimony touching the matter under investigation or to produce such other evidence as may be required

Any person who shall without just cause fail neglect or refuse to obey a subpoena or order of the court or who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books papers correspondence memoranda and other records if it is in his power so to do in obedience to a subpoena or an order of the court may be punished by said court for contempt

Section 4 This act shall become effective immediately upon its final enactment

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Heyburn,	Mallery,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,	Law,	Rodgers,	Woodward,

NAYS—10

Bean,	Deitrick,	Homsher,	Salus,
Buckman,	Ealy,	Pierson,	Scarlett,
Chapman,	Gelder,		

A majority of all the Senators having voted "aye" the question was determined in the affirmtive.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 492, (House Bill No. 390), as follows:

An Act relating to the performance of industrial work in

homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and prescribing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Legislative Purpose This State has long recognized that employment of men women and children under conditions detrimental to health and general welfare results in injury not only to the workers immediately affected but also to the public interest as a whole This recognition has produced a broad program of regulatory legislation to conserve the public welfare The continuance of an unregulated industrial homework system in this State runs counter to that program since it is usually accompanied by excessively low wages long and irregular hours and unsanitary or otherwise inadequate working quarters Employment of young children in industrial homework occupations is frequent but effective supervision of this child labor evil has not been attainable under present statutes The dangerous consequences of this system may fall upon the consumer of its products as well as upon the men and women who are its work force The preservation of the system moreover endangers the protection of the workers in factory industries which being forced to compete with industrial homework are under pressure to relax the established safeguards of life health and the public welfare After study of experience and reported investigations the legislature is convinced that industrial homework must eventually be abolished and that during a period of adjustment it must be strictly controlled in the interest of the wage-earners of this State and of the public at large This act is the product of that conviction

Section 2 Short Title This act shall be known and may be cited as the "Industrial Homework Law"

Section 3 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

(a) "Contractor" Any person who for the account or benefit of an employer representative contractor or other person distributes to a home-worker or any other person not recruited or engaged by such employer representative contractor or other person articles or materials to be manufactured in a home and thereafter to be returned to him or otherwise disposed of in accordance with his directions

(b) "Department" The Department of Labor and Industry of this Commonwealth

(c) "Employer" Any person who for his own account or benefit directly or indirectly or through an employe agent independent contractor or any other person

(1) Delivers or causes to be delivered to another person any articles or materials to be manufactured in a home and thereafter to be returned to him not for the personal use of himself or of a member of his family or thereafter to be disposed of otherwise in accordance with his directions or

(2) Sells to another person any materials or articles for the purpose of having such articles or materials manufactured in a home and of then re-buying such materials or articles after such manufacture either by himself or by someone designated by him

(d) "Home" Any room house apartment or other premises whichever is most extensive used in whole or in part as a place of dwelling and including outbuildings upon premises that are primarily used as a place of dwelling where such outbuildings are under the control of the person dwelling on such premises

(e) "Home-worker" Any person engaged in manufacturing in a home articles or materials for an employer a representative contractor or a contractor

(f) "Industrial Homework" Any manufacture in a home of articles or materials for an employer a representative contractor or a contractor

(g) "Manufacture" To prepare alter repair finish or process in whole or in part or handle in any way connected with the production wrapping packaging or preparation for display of an article or materials

(h) "Person" An individual partnership firm association domestic or foreign corporation the legal representatives of a deceased individual or the receiver trustee or successor of an individual partnership association or corporation

(i) "Representative Contractor" Any person who receives from an employer or contractor not within the State articles or materials to be distributed by him to any homeworker or other person not recruited or engaged by such employer or contractor to be manufactured in a home and thereafter to be returned to him or otherwise disposed of in accordance with his directions

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 4 Prohibited Homework It shall be unlawful to manufacture in a home for an employer contractor or representative contractor any of the following articles or to perform in a home for such persons any of the following work and no permit issued under this act shall be deemed to authorize such manufacture or the performance of any such work

(a) Articles of food or drink

(b) Articles for use in connection with the serving of food or drink

(c) Toys and dolls

(d) Tobacco

(e) Drugs and poisons

(f) Bandages and other sanitary goods

(g) Explosives fireworks and articles of like character

(h) The tearing or sewing of rags Provided That the word "rags" shall not be deemed to apply to new remnants clippings or selvages which are the by-products of manufacturing processes

(i) Articles the processing of which requires exposure to substances determined by the department to be hazardous to the health or safety of persons so exposed

Section 5 Power to Prohibit (a) The department shall have the power upon its own initiative to make an investigation of that portion or branch of any industry which employs home-workers in order to determine

(1) Whether the wages and conditions of employment are injurious to the health and welfare of home-workers in such portion or branch or

(2) Whether the wages and conditions of employment prevailing in such portion or branch have the effect of rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law or regulation for the industry of which such portion or branch is a part thus jeopardizing wages or working conditions of the factory workers in such industry

(b) If on the basis of information in its possession with or without an investigation as provided in this section the department shall find that industrial homework cannot be continued within any industry without injuring the health and welfare of the home-workers within that industry or without rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law for the protection of the factory workers in that industry the department shall by order require all employers representative contractors or contractors in such industry to discontinue the furnishing within this Commonwealth of articles or materials for industrial homework and no permit issued under this act shall be deemed thereafter to authorize the furnishing of articles or materials for industrial homework prohibited by such order

(c) All power machines used in conduct of industrial home work shall be guarded in accordance with the laws and regulations of the Department of Labor and Industry

Section 6 Procedure (a) Before making such order the department shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded

to any employer or representative of employers and any home-worker or representative of home-workers and any other person or persons having an interest in the subject matter of hearing A public notice of such hearing shall be given in such manner as may be fixed by the department Such notice shall be made at least thirty days before the hearing is held Such hearing or hearings shall be in such place or places as the department deems most convenient to the employers and home-workers to be affected by such order

(b) The department shall determine the effective date of such order which date shall be not less than ninety days after the date of the promulgation of its order The order shall set forth the type or types of manufacturing which are prohibited after its effective date

Section 7 Permit Required by Employers and Representative Contractors (a) Every employer and every representative contractor within this Commonwealth must procure from the department an employer's permit Application for such permit shall be made on a form prescribed by the department Such permit shall be in writing dated when issued and signed by the Secretary of Labor and Industry or his duly authorized representative. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked

(b) No such permit shall be issued to any person or to the successor in interest of any person whose employer's permit has been revoked by the department within two years prior to the last application for such a permit

(c) Any employer or a representative contractor who delivers to another person any articles or materials for manufacture by industrial home-work without having in his possession a valid employer's permit from the department shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 8 Injunction against Continued Violations Whenever any employer or representative contractor has twice been found guilty of conducting his business without an employer's permit the department may apply to the court of common pleas of any county in which such employer or representative contractor has a place of business for an injunction and such court shall upon such application issue an injunction to restrain such employer or representative contractor from further violating the provisions of this act

Section 9 Permit Required by Contractors (a) Every contractor must procure from the department a contractor's permit Application for such permit shall be made on a form prescribed by the department Such permit shall be in writing and signed by the Secretary of Labor and Industry or his duly authorized representative it shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked

(b) No such permit shall issue to any person who or whose predecessor in interest held an employer's permit which within two years prior to the application for a contractor's permit was revoked by the department

(c) Any contractor who delivers or causes to be delivered to another person any articles or materials for manufacture by industrial home-work without having in his possession a valid contractor's permit shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 10 Fees (a) A fee of two hundred dollars ($200.00) shall be paid to the department for the original issuance of an employer's permit

(b) For each annual renewal of such permit the employer or representative contractor shall pay to the department a fee of

(1) Fifty dollars ($50.00) where at no time during the preceding year did the employer or representative contractor directly or indirectly have business relations simultaneously with more than one hundred home-workers

(2) One hundred dollars ($100.00) where at any time during the preceding year the employer or representative contractor directly or indirectly had business relations simultaneously with more than one hundred but less than three hundred home-workers

(3) Two hundred dollars ($200.00) where at any time during the preceding year the employer or representative contractor directly or indirectly had business relations simultaneously with three hundred or more home-workers

(c) A fee of twenty five dollars ($25.00) shall be paid to the department for the issuance of a contractor's permit

Section 11 Home-Worker's Certificate (a) Every person desiring to engage in industrial home-work within this Commonwealth must procure from the department a home-worker's certificate which shall be issued without cost and which shall be valid for a period of one year from the date of its issuance unless sooner revoked or suspended Application for such certificate shall be made in such form as the department may by regulation prescribe Such certificate shall be valid only for work performed by the applicant himself in his own home and in accordance with the provisions of this act

(b) No home-worker's certificate shall be issued

(1) To any person under the age of sixteen years or

(2) To any person known to be suffering from an infectious contagious or communicable disease or known to be living in a home that is not clean sanitary and free from infectious contagious or communicable diseases

(c) The department may revoke or suspend any home-worker's certificate if he finds that the holder is performing industrial home-work contrary to the conditions under which the certificate was issued or to any provision of this act or has permitted any person not holding a valid home-worker's certificate to assist him in performing his industrial home-work

Section 12 Records to be Kept No person having an employer's or a contractor's permit shall deliver or cause to be delivered or received any articles or materials for or as a result of industrial home-work unless he shall keep in such form and forward to the department at such intervals as it may by regulation prescribe and on such blanks as it may provide a complete and accurate record of all persons engaged in industrial home-work on articles or materials furnished or distributed by him of all places where such persons work of all articles or materials furnished and distributed to such persons described as the department may require of all goods which such persons have manufactured of the net cash wages received by each home-worker and of all contractors to whom he has furnished articles or materials to be manufactured for him in any home

Section 13 Conditions of Manufacture Industrial home-work on articles or materials manufactured for any person to whom an employer's permit has been issued shall be performed

(a) Only by a person possessing a valid home-worker's certificate

(b) Only by persons over the age of sixteen years

(c) Only by persons resident in the home in which the work is done

(d) Only during such hours as may be fixed by law or regulation as permissible hours of labor in factories by persons of the same age and sex as the home-worker and

(e) Only in a home that is clean and sanitary and free from any infectious contagious or communicable disease

Upon the issuance of an employer's permit to an employer or representative contractor or a contractor's permit to a contractor such employer representative contractor or contractor shall be deemed to have accepted responsibility for the observance of the conditions of manufacture specified by this section and each of such conditions shall be deemed to be a condition of the employer's or contractor's permit to the same extent as though it were expressly set forth therein

Section 14 Labels Required No employer or representative contractor or contractor shall deliver or cause to be

delivered any articles or materials to be manufactured by any home-worker unless there has been conspicuously affixed to each article or material a label or other mark of identification bearing the employer's or representative contractor's name and address printed or written legibly in English but if the articles or materials are of such a nature that they cannot be individually so labeled or identified then the employer or representative contractor shall conspicuously label in like manner the package or other container in which such articles or materials are delivered or are to be kept while in the possession of the home-worker

Section 15 Unlawfully Manufactured Articles Any articles or materials which are being manufactured in a home in violation of any provision of this act may be seized and removed by any agent of the department and may be retained by him until claimed by the employer or representative contractor The department shall by registered mail give notice of such removal to the person whose name and address are affixed to the article as provided by section fourteen Unless the article so removed is claimed within thirty days thereafter it may be destroyed or otherwise disposed of

Section 16 Delivery to Contractors No employer or representative contractor shall deliver or cause to be delivered any material or articles to a contractor who is not in possession of a valid contractor's permit

Section 17 Violations (a) If the department has reason to believe that a person having an employer's or contractor's permit is not observing the provisions of this act or of a regulation or order authorized by it to be issued by the department or the conditions of such permit the department may on ten days' notice summon such person to appear before it to show cause why the department should not find that he has failed to observe such provisions or conditions

(b) If after such hearing the department finds as a fact that such person has failed to observe or comply with a provision of this act his permit or a regulation or order issued by the department under authority of this act the department may

(1) Revoke the permit of such person the order of revocation to be effective on a date fixed by the department not more than thirty days after the date of its issuance

(2) Cause to be published in a newspaper or newspapers circulating within this Commonwealth or in such other manner as the department may deem appropriate the name of such person as having failed in the respects stated to maintain the standards established under authority of this act Such publication may contain an identification by trade name or otherwise of the products manufactured or sold by such persons Neither the department nor any authorized representative of the department nor any newspaper publisher proprietor editor nor employe thereof shall be liable to an action for damages for publishing the name of any person as provided for in this act unless guilty of some wilful misrepresentation

Section 18 Agreements to Contributions by Employes Void No agreement by a home-worker to pay any portion of a payment required of any person by any provision of this act shall be valid and no person shall make a deduction for such purpose from the wages or salary of any home-worker

Section 19 Filing and Inspection of Records and Returns Records reports applications and returns required to be made by this act shall be kept on file by the Department of Labor and Industry and shall be open to examination and inspection and subject to its regulation They may be used as evidence in any proceeding under this act but shall not otherwise become matter of public record.

Section 20 Fees of Witnesses Each witness who appears in obedience to a subpoena issued by the department shall be entitled to such witness fees as the department shall allow payable from appropriations made to the department for such purposes

Section 21 Penalties In addition to any penalties otherwise prescribed in this act

(a) Any person who wilfully makes a false statement or representation in order to lower the amount of fees due from him under this act or

(b) Any person who makes a deduction from the wages or salary of any home-worker to pay any portion of a payment which such person is required by this act to make or

(c) Any person who refuses to allow the Secretary of Labor and Industry or his authorized representative to enter his place of business for the purpose of inspecting his payroll or other records or documents relative to the enforcement of this act or who refuses to permit the Secretary of Labor and Industry or his authorized representative to copy such record or documents shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) or to undergo imprisonment for a term of six (6) months or both in the discretion of the Court

Section 22 Rules and Regulations Rules and regulations necessary to carry out the provisions of this act shall be made by the department It shall have the power and its duty shall be to enforce all the provisions of this act except as otherwise specifically provided

Section 23 Payment into State Treasury All fees and other moneys derived from the operation of this act shall be paid into the State Treasury through the Department of Revenue to the credit of the General Fund

Section 24 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional or inapplicable to any person or circumstances the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such provisions not been included herein

Section 25 Repeal of Existing Law All acts and parts of acts inconsistent with this act are hereby repealed

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Heyburn,	Law,	Rodgers,
Dando,	Huffman,	McCreesh,	Rupp,
Dent,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle.	Pytko.	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,			

NAYS—14

Bean,	Ealy,	Owlett,	Scarlett,
Buckman,	Gelder.	Pierson,	Sordoni,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmtive.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 840, (House Bill No. 1273), as follows:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the sixth day of June one thousand eight hundred

and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" is hereby amended to read as follows

Section 11 Justices of the peace in office in each of such boroughs shall continue in office until the expiration of their respective commissions and no election for justices of the peace shall be held in such borough until the number has been reduced [to] [two] by the expiration of the commissions of the persons in office to two and in case of consolidated boroughs lying in two counties to one in either portion of the borough located entirely within the same county and thereafter there shall be two justices of the peace in such new borough and in the case of consolidated boroughs lying in two counties one justice of the peace shall at all times be elected in each portion of the borough located entirely within the same county who shall have jurisdiction in the county of their election All justices of the peace in consolidated boroughs shall hold their offices for the term and be elected and qualified in the manner provided by law

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Sordoni,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECONSIDERATION OF SENATE BILL No. 932

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which Senate Bill No. 932, House Bill No. 185, entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye."

Mr. JASPAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. JASPAN. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. OWLETT and were as follows, viz:

YEAS—32

Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Salus,
DiSilvestro,	Kahle,	Pytko,	Shapiro,
Eroe,	Kilgallen,	Rankin,	Sipe,
Frey,	Kunkel,	Reed,	Sones,
Gilson,	Lanius,	Rice,	Stiefel,
Henney,	Law.	Rodgers,	Thompson,

NAYS—15

Bean,	Ealy,	Mallery,	Sordoni,
Buckman,	Gelder,	Owlett,	Wolfenden,
Chapman,	Heyburn,	Pierson,	Woodward,
Deitrick,	Homsher,	Scarlett,	

So the question was determined in the affirmative.

And the question recurring.

Shall the bill pass finally?

Mr. OWLETT. Mr. President, this bill is to create another common pleas judge for Schuylkill County. When this bill was defeated last week, one of the sponsors of the bill was interrogated as to whether another judge was needed in Schulykill County and the incidental expense placed upon the County. It was said at that time that they believed another judge was necessary because of the increased work. I have a letter that was endorsed by the judges of Schuylkill County answering some questions coming up before the Senate at that time. I am advised in this letter that the work of the Courts in Schuylkill County shows no increase during the last thirty years; that the average age of the judges is now forty-nine years, and that the question of an additional judge for Schuylkill County during the last fifteen years was never suggested, when the judges were older in years than they are at the present time. The work in Schuylkill County is up to date in every respect. The letter states:

"To sum up: in both criminal and civil courts no case must be postponed because of press of business. The cases available for trial are insufficient to require the court to conduct jury trials on all the days that are allotted to jury trials on the court calendar. If the court was obliged to sit on extra days, or if cases could not be reached because of press of business, there might be some reason for an additional judge. As the figures show, the situation is such that no additional judge is necessary, and an additional judge could not expedite the trial of cases.

"In the other work of the court, exactly the same situation obtains. We have 5 weeks allotted to equity and argument court. That is a possible 30 days. Our experience has shown that a maximum of 10 days is sufficient to dispose of the equity and argument list. The number of cases assigned to me for writing opinions after argument (and here again my experience is typical) shows that this work has remained constant. In 1929, I was assigned 47 cases from the argument list; in 1930, 43; in 1931, 63; in 1932, 35; in 1933, 55; in 1934, 37; in 1935, 58; and in 1936, 59. At the present writing, my desk is clear of all pending matters.

"Another indication of the amount of work of the courts will be found in the annual reports of the county controller. Increased business means increased costs, because jurors, witnesses and per diem employees must be paid."

These reports show that the costs for the year 1936 as compared to the year 1935 show a decrease of approximately $3,000 and between the years 1936 and 1934 the decrease amounts to about $12,000; in other words, instead of an increase in business in the courts of Schuylkill County there is a considerable decrease.

Never before was there any suggestion that a new judge was necessary. The three common pleas judges are not complaining that they are not overworked. They are kept busy but not so busy that the administration of justice is delayed, and he says further in this letter: "Even if the business had measurably increased, which it has

not, we should be able to handle it. With it actually decreasing, there should be no doubt on this score. It is my honest and considered judgment, he concludes, 'based entirely on my experience on the bench and on the available facts, that there is absolutely no need for a fourth common pleas judge in Schuylkill County, and that it would be indefensible to put the State and county to the unnecessary expense which the creation of an additional judgeship would entail."

I think the Senate should vote against this bill.

Mr. SHAPIRO. Mr. President, before I agreed to move for the reconsideration of this bill, I asked for some information concerning the matter, and I have been presented with a communication from people in Schuylkill County who are interested in the same facts, and it may also be interesting to the Senator from Tioga. I have before me a resolution adopted by the Schuylkill County Bar Association in 1934. It deals with the necessity of having an additional judge. Mr. W. C. Devitt presented a memorandum relating to this matter as follows:

"The work of our courts has so increased that our Judges are constantly engaged in trial court and in argument court, leaving to them very limited time for preparation of opinions and consideration of other important court work, though they are constantly and actively employed in their work. For some years, our Orphans' Court Judge has been called in almost every term to assist in our trial court, but even this has not relieved our courts. We are satisfied the time has arrived when our county shall have an additional Common Pleas Court Judge, and we recommend that a committee of this Association be appointed to secure, at the next Session of our Legislature, such legislation as will provide this additional judge; also that this committee shall carry on all other work necessary to secure this legislation.

"On motion of Mr. Duffy, seconded by Mr. Brenneman, the foregoing memorandum was adopted and ordered spread upon the minutes.

"On motion, duly seconded, the Chancellor was authorized to appoint a committee of five members of the next Bar to secure favorable legislation at the next Session of the Legislature."

That does not go very well with the statements that the Senator from Tioga read, that for the past thirty years the courts have not been behind in their work, and that no suggestion for an additional judge has been made by the other judges.

I suggest that the Senator from Tioga read the following excerpts from articles in various newspapers of Schuylkill County. The Pottsville Republican under date of June 29, 1934, under a heading "Civil Court is Three Years Back," states:

"The action of the Schulykill County Law Association on Monday in passing a resolution favoring the naming of another judge in the Common Pleas Court of the county has created considerable comment.

"The work in the local courts has tripled during the last half dozen years, especially on the civil side of the court. Criminal court has been relieved to a certain extent by the assistance of Judge Gangloff of the Orphans' Court.

"It is pointed out that at the present time there are over two hundred cases ready for trial on the civil side of the court. The highest number of cases ever disposed of at any one term of civil court is 10, with half that number being completed by jury trials the remainder ending in verdicts by agreement, etc.

"On that basis it would require 20 terms of court to dispose of the pending work, if no additional litigations were put on the list, and when it is said that there are only five terms of civil court each year, it can be readily ascertained that the court are more than 3½ years behind.

"M. M. Burke, Chancellor of the Schuylkill County Bar Association stated that in accordance with the resolution adopted by the Association on Monday, that a committee of attorneys will be named to go to Harrisburg to urge the Legislature to enact the law that will give the County an additional Law Judge."

I also refer him to the Pottsville Republican of June 25, 1934,

"New County Judge Wanted"

and the Pottsville Journal, under date of June 26, 1934,

"Want Additional Judge"

I suggest that the Senator from Tioga look at the trial lists and he will find that there are in Schuylkill County some 357 cases on the dockets, extending back as far as 1934, which are undisposed of; that 55 cases on the list have been previously listed two or more times; that 36 cases have been listed each term for a year without trial or disposition, and that in the last term of court, January 1937, only five cases were disposed of.

Mr. President, it is quite evident that if the Bar Association or the judges of Schuylkill County, have changed their minds since 1934, it can only be for the reason that at that time there was a Republican legislature and there would probably have been a Republican appointed as judge, and at this time there is a Democratic legislature, and undoubtedly there will be a Democratic judge appointed. It seems to me that the Senator from Tioga and I are talking about other fellows.

Mr. OWLETT. Mr. President, I want to call the attention of the Senator from Philadelphia, Mr. Shapiro, that the date of the memorandum I read from my letter was all in the year 1934. In 1934 there were 1594 criminal cases brought in that county; The following year it dropped 350 cases, and there has been no substantial increase since that time, so it is not true that the situation is the same as it was in 1934, when the record shows that there were 350 less criminal cases both in the year 1935 and the year following compared with the year of which the Senator from Philadelphia speaks.

I would like to read just one further paragraph in this letter:

"On the civil side, the same is true. In this court, 60 days annually are allowed for the trial of jury cases. In 1929, I sat in jury trials in civil court a total of 33 days; in 1932, 43½ days; in 1935, 39½ days; and in 1936, only 28½ days. Our civil list for each term of court allows 120 cases. Recently, the full complement of cases has not been ordered on the list. The only delay in this court arises from cross engagements of counsel. That is, the same counsel represent parties in a number of cases. Obviously, they can try only one case at a time. This situation could not be avoided even if we had a dozen judges. Is it is, we are hard put to it to keep three judges busy in the trial of civil cases. This court is so nearly abreast of the civil list that it is possible, barring cross engagements of counsel, to try a civil list at the same term in which the suit is instituted. At the January term of civil court, we reached and disposed of two cases that were commenced in the same January term. Cases that were begun after November 10, 1936, were reached and tried during the civil term which was held during the last two weeks in January, 1937. Had it not been for cross engagements of counsel, the court could have tried every January Term case that appeared on the list."

Now, Mr. President, it is obvious that the concern of my friend from Philadelphia which prompts him to sponsor legislation to put another judge in Schuylkill County, where the judges say they are doing the work, is to establish in that county a Democratic judge. It so happens that the three judges now in Schuylkill County are Republicans. I think the people of Pennsylvania will understand this bill.

Mr. BUCKMAN. Mr. President, there seems to be a great division of sentiment in Schuylkill County as to the necessity of this bill. I have a letter from a party in Schuylkill County which was written on May 5, 1937, it reads as follows:

"Dear Senator:

Accept my hearty thanks for your vote and influence used against the Bill to provide another Common Pleas Judge for Schuylkill County.

Just now we are conducting a Session of Criminal Court at Pottsville and our Fourth Judge—G. Edward Gangloff has not as yet been called upon for any Common Pleas work although available.

If there are times when apparently the Court should function just a little faster—it is because of certain Attorneys accepting numerous cases for one and the same term of Court so that they cannot of necessity be in more than one Court room at one and the same time.

You evidently have some honest advisor from Schuylkill County and in this matter he has advised you correctly and you have acted with discretion and honor.

The several Thousand supporters of our work here in this County will be pleased indeed to read that you were one of the Men who helped block this particular Legislation.

Cordially yours,

Arthur B. Fleming, President
Schuylkill County Law Enforcement League"

Mr. SHAPIRO. Mr. President, if the citizens from Schuylkill County feel that they want to compliment the Senator from Bucks publicly it is their privilege, but I do not think I need any excuse for delving into the affairs of Schuylkill County any more than the Senator from Tioga, when he apoligizes fro my taking the opposite view, but I want to correct the mistake he made about the list of cases. The list of cases from which I read was for the year 1937 and not for the year 1934. There are some 84 cases out of 357 covering the years 1934 and 1935 and 107 of which remain undisposed. Their cases run from 1934 to 1937. In the November term 1936 there were 30 cases. In the September term 1936, there were 41 cases. Now these cross engagements of the attorneys may have interfered with the disposition of some of these cases but it is obvious that the cases are not being disposed of, and the Senator who is sponsor of the bill has brought a verification of the facts that I have read on the floor of the Senate, and I have presented these statements to the members of the Senate so that they may know my reason for asking for the reconsideration of the vote by which the bill was defeated.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Huffman,	McCreesh,	Rupp,
Dent,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Sones,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,

NAYS—16

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder.	Owlett,	Sordoni,
Chapman,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Salus,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. RUPP. Mr. President, with the permission of the Chairman of the Committee on Game and Fisheries, I move that Senate Bill No. 723 (House Bill No. 1157), on final passage, entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or nontidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws nad prescribing penalties" extending said act to motor boats electrically propelled and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

be recommitted to the Committee on County Government for the purpose of further studying the provisions of the bill.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 725 (House Bill No. 1284), as follows:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turn-pike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Com-

monwealth to cooperate with the Commission and authorizing the issuance of turnpike revenue refunding bonds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to facilitate vehicular traffic between the eastern and western sections of the Commonwealth the Pennsylvania Turnpike Commission hereinafter created is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Department of Highways from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County together with connecting tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Section 2 That turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 3 That the following words and terms shall have the following meanings

(a) The word "Commission" shall mean the Pennsylvania Turnpike Commission hereinafter created or if said Commission shall be abolished any board commission or officer suceeding to the principal functions thereof or upon whom the powers given by this Act to said Commission shall be given by law

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this Act

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County and shall be deemed to include not only the turnpike and all tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting tunnels and bridges the cost of all lands properties rights easements and franchises acquired which are deemed necessary for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized the contruction of the turnpike and connecting tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense heretofore or hereafter incurred by the Department of Highways of the Commonwealth for traffic surveys preparation of plans and specifications supervision of construction and other engineering services performed by the Department and its agents and employes in connection with the construction of the turnpike or any of the connecting tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed to the Department of Highways out of the proceeds of the turnpike revenue bonds hereinafter authorized

Section 4 That there is hereby created a commission to be known as the "Pennsylvania Turnpike Commission" and by that name the Commission may sue and be sued plead and be impleaded contract and be contracted with and have an official seal The Commission is hereby constituted an instrumentality of the Commonwealth and the exercise by the Commission of the powers conferred by this Act in the construction operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth The Commission shall consist of five members and the Secretary of Highways shall be a member ex officio The four remaining members shall be appointed by the Governor by and with the advice and consent of two-thirds of the members of the Senate and shall be residents of the Commonwealth of Pennsylvania at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment The appointed members of the Commission shall continue in office for terms of four six eight and ten years respectively from the dates of their appointment and until their respective successors shall be duly appointed and qualified the term of each appointed member to be designated by the Governor at the time of his appointment but their successors shall each be appointed for a term of ten years except that any person appointed to fill a vacancy shall serve only for the unexpired term and any member of the Commission shall be eligible for reappointment Immediately after such appointments the members of the Commission shall enter upon their duties Each appointed member of the Commission before entering upon his duties shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth The Commission shall elect one of the appointed members as Chairman of the Commission and shall also elect a Secretary and Treasurer who may not be a member of the Commission Three members of the Commission shall constitute a quorum who for all purposes must act unanimously No vacancy in the Commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the Commission Before the issuance of any turnpike revenue bonds under the provisions of this Act each appointed member of the Commission shall execute a bond in the penalty of $25,000 and the Secretary and Treasurer shall execute a bond in the penalty of $50,000 each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office which bonds shall be filed in the office of the Secretary of the Commonwealth The Commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire own use hire lease operate and dispose of personal property real property and interest in real property and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act and to employ engineering traffic architectural and construction experts and inspectors and attorneys and such other employes as may be necessary in its judgment and fix their compensation provided however that all contracts and agreements relating to the construction of the turnpike and connecting tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting tunnels and bridges shall be constructed under the supervision of the Department of Highways Each appointed member of the Commission shall receive an annual salary of $5,000 payable in monthly installments and each member of the Commission shall be reimbursed for necessary expenses incurred in the performance of his duties All such compensation and salaries and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money

shall have been provided under the authority of this act All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act

Section 5 The Commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient such tunnels whether wholly or partly constructed rights of way franchises easements and other interests in lands as it may deem necessary for the construction and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the Commission and the owner thereof and to take title thereto in the name of the Commission

Section 6 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the Commission is hereby authorized and empowered to acquire by condemnation any such tunnel or tunnels whether wholly or partly constructed or interest or interests therein and any lands rights easements franchises and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike in the manner hereinafter provided In such event application shall be made by the Commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such tunnel land rights easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the tunnel lands rights easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days' written notice of the time and place of such meeting together with a copy of said report shall be given to the Chairman of the Commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court Within thirty days after the filing of the report in the court the Commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court may confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after final action on the report by the court the Commission acting through the Department of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the Commission shall be taken in the name of the Commission The Commision shall be under no obligation to acceptand pay for any property condemned or any costs incidental to any condemnation proceedings and shall in no event pay for the same except from the funds provided by this act and in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the Commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damages by reason of the failure of the Commission to accept and pay for the property but such undertaking or security shall impose no liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this Act

In addition to the foregoing powers the Commission and its authorized agents and employes may enter upon any lands waters and premises in the State for the purposes of making surveys soundings drillings and examinations as it may deem necessary or convenient for the purposes of this act and such entry shall not be deemed a trespass

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the Commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Commission including real property already devoted to public use

Section 7 Whenever the Commission decides to acquire any such tunnel or tunnels lands rights easements and franchises or interests therein by condemnation If the owner leasee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the Commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures.

Section 8 The Commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike which resolution shall

recite an estimate of such cost The principle and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the Commission and may be made redeemable before maturity at the option of the Commission at such price or prices and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds provided however that the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions as to rates of interest maturity and other provisions not inconsistent with this Act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor The principal and interest of such bonds may be made payable in any lawful medium The Commission shall determine the form of the bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the Chairman of the Commission and the official seal of the Commission shall be affixed thereto and attested by the Secretary and Treasurer of the Commission and any coupons attached thereto shall bear the facsimile signature of the Chairman of the Commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of the negotiable instruments under the negotiable instruments law of the Commonwealth The bonds may be issued in coupon or in registered form or both as the Commission may determine and provision may be made for registration of any coupon bond as to principal alone and also as to both principal and interest and registered and coupon bonds shall be interchangeable The Commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the Chairman of the Commission under such restrictions if any as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the Commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The Commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act.

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 9 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

Section 10 In the discretion of the Commission such bonds may be secured by a trust indenture by and between the Commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the Commission in relation to the acquistion of properties and the construction maintenance operation and repair and insurance of the turnpike and the custody safe-guarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the Commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the Commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike.

Section 11 The accomplishment by the Commission of the authorized purposes stated in this Act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the Commission will be performing essential governmental functions the Commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this Act and the bonds or other securities and obligations issued by the Commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth

Section 12 The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the Commission through the Department of Highways of the Commonwealth and all charges and costs for such maintenance and repairs actually expended by

said Department of Highways shall be paid to it by the Commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police toll-takers and other operating employes as the Commission may in its discretion employe.

The Commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike if any to pay (a) the cost of maintaining repairing and operating the turnpike and (b) the bonds and the interest thereon and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due Such tolls shall not be subject to supervision or regulation by any other state commission board bureau or agency The tolls and all other revenues derived from the turn pike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

Section 13 The Commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the Commission in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable and by the following provisions.

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued unless issued to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds to be refunded.

Section 14 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the Trustee under the trust indenture if any except to the extent of the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the Commission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike.

Section 15 When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose the turnpike and the connecting tunnels and bridges shall become a part of the system of state highways and shall be maintained by the Department of Highways free of tolls and thereupon the Commission shall be dissolved and all funds of the Commission not required for the payment of the bonds and all machinery equipment and other property belonging to the Commission shall be vested in the Department of Highways

Section 16 The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof

Section 17 The Provisions of this Act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 18 All acts and parts of acts inconsistent with this Act are hereby repealed

Section 19 This Act shall become effective upon its approval by the Governor

and the amendments made thereto having been printed as required by the Constitution;

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Cavalcante,	Heyburn,	Mallery,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Rodgers,	Woodward,
Henney,			

NAYS—10

Bean,	Deitrick,	Owlett,	Salus,
Buckman,	Gelder,	Pierson,	Scarlett,
Chapman,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 740, as follows:

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act Number 21) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasures elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the court of common pleas and for the procedure thereon and providing additional penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act Number 21) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights measurements through checkweighmen and checkmeasures elected by the miners imposing duties and liabilities upon operators and imposing penalties" is hereby re-enacted and amended to read as follows

AN ACT

To protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standards weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners imposing duties and liabilities upon operators and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any miner employed by an individual firm or corporation for the purpose of mining bituminous coal shall be entitled to receive from his employer and failing to receive then to collect by due process of law at such rates as may have been agreed upon between the employer and the employe full and exact wages accruing to him for the mining of all [sizes of merchantable] coal so mined by him [whether the same shall exist in the form of nut or lump coal] In the adjudication of such wages eighty pounds shall be deemed one bushel and two thousand pounds net shall be deemed one ton of coal

Section 2 At every bituminous coal mine where coal is mined by measurement all cars filled by miners and their laborers shall be uniform in capacity at each mine No unbranded car shall enter the mine for a longer period than [three months] one month without being branded by the sealer of weights and measures of the county wherein the mine is located or by the Department of Internal Affairs Any owner or his agent violating the provisions of this section shall be subject to a fine of not less than one dollar ($1.00) per car for each and every day such car not in conformity with this act is used The sealer of weights and measures or the Department of Internal Affairs as the case may be on receiving notice from the checkmeasurer or nay five miners working in the mine that a car or cars are not properly branded or not uniform in capacity according to law are used in a mine then inside of three days from the date of receiving said notice it shall enforce the provisions of this section

Section 3 At every bituminous coal mine in this Commonwealth where coal is mined by weight or measure the miners whose wages are paid on the basis of tonnage mined whether weighed or measured or a majority of such miners present at a meeting called by them for that purpose shall have the right to employ a competent person as checkweighman or checkmeasurer as the case may require who shall be permitted at all times to be present at the weighing or measurement of coal also have power to weigh or measure the same and during the regular working hours to have the privilege to balance and examine the scales or measure the cars All such balancing and examination of scales shall be done in such a way and at such time as in no way to interfere with the regular workings of the mine Such checkweighman shall be paid such compensation as may be fixed by the miners attending such meeting [and] which shall be paid by the operator to such checkweighman or checkmeasurer from deductions made from the wages of all miners employed at such mine whose wages are paid on the basis of tonnage whether weighed or measured an equal deduction being made from the compensation of such wages per ton or per measure as directed by the checkweighman or checkmeasurer Any person association copartnership or corporation who as operator shall refuse to permit any checkweighman or checkmeasurer so selected to weigh and measure coal as provided by this act or shall fail or refuse to pay the wages of such checkweighman or checkmeasurer as required by this act or shall interfere with restrain or coerce employes in the exercise of the right to elect such checkweighman or checkmeasurer shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of five hundred dollars ($500) per day for each day of such refusal or violation

Section 4 The checkweighman or checkmeasurer shall not be considered a trespasser during working hours while attending to the interests of his employers or while posting daily and semi-monthly sheets as hereinafter provided In no manner shall he be interfered with or intimidated by any person agent owner or miner Any person violating these provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty dollars ($20.00) and not exceeding one hundred dollars ($100) or imprisonment at the discretion of the court for failure to pay such fine and costs

Section 5 It shall be a further duty of checkweighman or checkmeasurers to credit each miner with all [merchantable] coal mined by him on a daily sheet to be kept by him for that purpose and on a semi-monthly sheet he shall credit each miner with all [merchantable] coal mined for each period for which payment of wages is made which daily and semi-monthly credit sheets shall be kept posted at or near the pit mouth of the mine by the checkweighman or checkmeasurer Whenever the checkweighman or checkmeasurer is unable to credit any coal mined to the proper miner because the car on which the same is loaded is not properly marked or cannot be identified it shall be his duty to keep account of such coal and credit the same to the miner entitled thereto when claim therefor is lodged with him by such miner If claim for any such unidentified coal is not made within thirty days after the same was mined the checkweighman or checkmeasurer shall credit the same to his account for the payment of his wages Payment for such coal shall be made by the operator as directed by the checkweighman or checkmeasurer and where such wages are paid to the checkweighman or checkmeasurer a corresponding reduction shall be made in the deductions from wages of the miners charged by this act with the payment of such wages Any operator or his servant agent or employe who shall refuse to credit such unclaimed coal as required by this section shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) and in default of the payment of such fine and costs shall be sentenced to imprisonment for thirty days

Section 6 When differences arise between the checkweighman or checkmeasurer and the agent or owners of the mine as to the uniformity capacity or correctness of scales or cars used the same shall be referred to either the sealer of weights and measures of the county where the mine is located or to the Department of Internal Affairs whose duty it shall be to regulate the same at once

Section 7 Should any weighman or weighmen agent

checkweighman or checkmeasurer whether employed by operators or miners knowingly or wilfully adopt or take more or less pounds for a bushel or ton than as provided for in the first section of this act or wilfully neglect the balance or examining of the scales or cars or knowingly and wilfully weigh coal with an incorrect scale he shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail for three months

Section 8 Any person aggrieved by the exercise of any power duty or authority under the provisions of this act or who believes such power duty or authority was exercised contrary to the terms or conditions of this act may complain by petition to the court of common pleas of the county in which the mine is located setting forth the facts Thereupon the court shall fix a day for hearing of which due notice shall be given to all parties interested in such manner as the court shall direct After hearing the court shall make such order dismissing the petition or directing the manner in which such power duty or authority shall be exercised under this act as to it appears just and proper No such proceeding shall act as a supersedeas or be construed to estop the exercise of any such power duty or authority until the order of the court is entered

Section [8] 9 Nothing contained in this act shall be construed to prohibit or prevent the operator and the miners collectively at any time from contracting for any method of measuring or weighing coal

Section [9] 10 The act approved the first day of June one thousand eight hundred and eighty-three (Pamphlet Laws 52) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" and the amendments thereto is hereby repealed

Section [10] 11 This act as amended shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Scarlett,
DiSilvestro,	Jacobs,	Owlett,	Shapiro,
Ealy,	Jaspan,	Pierson,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Rodgers,	Woodward,

NAYS—2

Buckman, Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 759, as follows:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" are hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "boiler" shall mean a vessel in which power or heat is generated and including all piping and apparatus connected thereto up to and including the stop-valve or valves nearest the boiler

"Boilers used on farms" shall mean any boilers used for threshing grain bailing hay filling silos and shredding fodder when such boilers are used only on the farm of the boiler owner

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public has access except farms or private dwellings

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect boilers in this Commonwealth or boilers destined for use in this Commonwealth

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality and shall include the Commonwealth

"Place of public assembly" shall mean any building or portion thereof designed intended and used for occupation by persons for purposes of entertainment instruction or amusement

"School" shall mean any building or portion thereof where persons assemble for purposes of education and shall include public and private schools academies colleges and universities

Whenever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section 2 General Requirement Every boiler used or destined for use by any establishment and every boiler used or destined for use in any school or place of public assembly in this Commonwealth shall be so constructed installed maintained and operated with respect to the thickness and strength of the materials used in construction stay bolts and braces drums headers tubes doors riveting welding steam air and water gauges safety valves blow offs all necessary piping and all other parts and appurtenances as to safely sustain the pressure at which the said boiler is designed and intended to operate Provided That nothing in this act shall be construed to apply to boilers [carrying a pressure of not more than fifteen pounds per square inch which are equipped with safety devices approved by the department nor to apply to boilers in municipalities wherein provision is now made by ordinance for their inspection nor to boilers] subject to Federal inspection and control on steam locomotives railroad cars or steam boats nor to equipment used in connection with the operation of trains nor to boilers on other common carriers [nor to boilers used in the operation of oil wells] nor to boilers carrying a pressure of not more than fifteen pounds per square inch which are equipped with safety device approved by the department

except such boiler located in theatres motion picture theatres hospitals schools and colleges

Section 7 Inspection of Uninsured Boilers If such boiler is not so insured [or is not located in a city having a department established by ordinance for the inspection of boilers] then such inspection shall be made by an inspect in the employ of the department and there shall be a fee charged for each inspection as hereinafter provided for in this act

Section 19 Repealer Section nineteen of an act approved the second day of May one thousand nine hundred and five (Pamphlet Laws three hundred and fifty-two) entitled "An act to regulate the employment in all kinds of industrial establishments of women and children employed at wages or salary by regulating the age at which minors can be employed and the mode of certifying the same and by fixing the hours of labor for women and minors to provide for the safety of all employes in all industrial establishments and of men women and children in schoolhouses academies seminaries colleges hotels hospitals storehouses office buildings public halls and places of amusement in which proper fire-escapes exits and extinguishers are required to provide for the health of all employes and of men women and children in all such establishments storehouses and buildings by proper sanitary appliances and to provide for the appointment of inspectors office clerks and others who with the Chief Factory Inspector shall constitute the Department of Factory Inspection to enforce the same and providing penalties for violations of the provisions thereof fixing the time and salaries of the Chief Factory Inspector and his appointees" and its amendments [and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed] All acts and parts of acts general local or special inconsistent with or supplied by this act are hereby repealed

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Huffman,	Mallery,	Rodgers,
Dando,	Jacobs,	McCreesh,	Rupp,
Dent,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stiefel,
Haluska,	Law,	Rice,	Thompson,
Henney,			

NAYS—14

Bean,	Ealy,	Owlett,	Scarlett,
Buckman,	Gelder	Pierson,	Wolfenden,
Chapman,	Heyburn,	Salus,	Woodward,
Deitrick,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 796, (House Bill No. 917), as follows:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or in agricultural employment requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of January one thousand nine hundred and thirty-eight it shall be unlawful for any person to be employed or permitted to engage in the occupation of blaster or shot-firer, except in anthracite or bituminous coal mines or in agricultural employment unless he shall first have obtained a license from the Department of Labor and Industry and is a holder of a valid license No license shall be issued until the person to be licensed has first passed an examination as hereinafter provided

Section 2 Application for examination shall be made in writing to the Department of Labor and Industry on a form provided by the Department and shall be accompanied by a fee of two dollars If the applicant is successful in passing said examination a license shall be issued upon payment of an additional fee of one dollar All licenses shall be issued for the calendar year and shall expire on December thirty-first of the year for which issued Each licensee shall have his annual license renewed before January first of each year upon payment of a fee of one dollar All fees collected under this act shall be transmitted by the department to the State Treasurer through the Department of Revenue

Section 3 The Department of Labor and Industry shall have the power and its duties shall be to make alter amend or repeal general rules and regulations for carrying out the provisions of this act and applying these provisions to specific cases

Section 4 Any person or persons who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall upon conviction in a summary proceeding be punished by a fine of not less than ten dollars or more than one hundred dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than thirty days

Section 5 Prosecutions for violation of this act may be instituted by the Secretary of Labor and Industry or his duly authorized representative

Section 6 The term blaster or shot-firer as used in this act is defined to mean any person who engages for hire in the charging or firing of explosive materials used in commercial blasting operations Nothing in this act shall be construed to apply to persons doing blasting or shot-firing in agricultural work on farms

Section 7 All other acts or parts of acts inconsistent with this act are hereby repealed

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. KAHLE. Mr. President, this bill was brought before the Senate and was voted down two weeks ago. This bill is known as the 'Blasters' bill, which concerns my constituents and myself very much. This does not include coal miners of the bituminous and anthracite regions, and it also exempts farmers, but it does not exempt a group of people who are in my county who, in the years past, have made a livelihood during the winter season. We have many small lime quarries in my county which are owned by farmers, and many men who are out of work will go to the farmers and make arrangements to pay them royalty for their lime, and two or three of them will go together and they will quarry lime during the winter season. In the spring they will market it, thereby having work in the winter, and if this bill passes it will eliminate these persons, because that is a commercial business.

Now I do not see why we want to impose upon these people, for they will possibly put only one or two shots a day in the lime quarry, and it will necessitate on their part the hiring by them of a registered blaster or shooter. We do not know what the registration requirements will

be. The bill does not mention it, but we are giving the Administration power to put on whatever they may see fit so far as the requirements are concerned. We do not know whether the laboring men in that group and in that section will be able to pass the requirements. If they do not, then it will cause them to hire a man at a high price to put in one or two shots a day, therefore, I insist that the Senate vote down this bill and not burden the people in that county and throw many out of work during the winter season.

Mr. HALUSKA. Mr. President, I am sorry but I must disagree with the Senator from Clarion, Mr. Kahle, when he states that this bill does not include coal miners. This bill includes any man, whether he be a coal miner, farmer or any other person. The bill reads: "Any person who engages for hire in the charging or firing of explosive materials used in commercial blasting operations." So it does include the farmer and coal miner who hires out as such. It is true that it does exempt the farmer blasting on his own premises for his own purposes. I feel that this bill is an important piece of legislation and I believe it should be enacted.

Mr. KAHLE. Mr. President, the Senator from Cambria states that this bill does include the coal miner; the bill states: "Any person to be employed or permitted to engage in the occupation of blaster or shot-firer, except in anthracite or bituminous coal mines or in agricultural employment unless he shall first have obtained a license from the Department of Labor and Industry." It exempts miners, as I see it.

Mr. HALUSKA. Mr. President, to be more explicit, any man blasting in coal mines already is certified, and in spite of the fact that he is blasting in the earth, if he desires to blast on the surface, he must again be licensed as such.

Mr. KAHLE. Mr. President, I am not here offering any opposition to labor, I am here in the protection of labor, that certain class of labor which will be thrown out of labor by this bill. I am for labor 100% and always have been, and I want to protect labor for that reason.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows:

Mr. BUCKMAN. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—19

Cavalcante,	D'Silvestro,	Law,	Rupp,
Chapman,	Frey,	Mallery,	Shapiro,
Dando,	Haluska,	McCreesh,	Stiefel,
Deitrick,	Jaspan,	Rankin,	Wolfenden,
Dent,	Lanius,	Rice,	

NAYS—27

Bean,	Heyburn,	McGinnis,	Ruth,
Buckman,	Homsher,	Mundy,	Salus,
Eroe,	Huffman,	Owlett,	Scarlett,
Ealy,	Jacobs,	Pierson,	Sipe,
Gelder,	Kahle,	Pytko,	Sones,
Gilson	Kilgallen,	Reed,	Woodward,
Henney,	Kunkel,	Rodgers,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 797 (House Bill No. 1560), as follows:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and prescribing penalties and providing for injunctions in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases unless the context clearly indicates otherwise shall have the meaning ascribed to them in this section

"Bottling establishment" includes all buildings rooms basements cellars lofts or other premises or parts thereof used occupied or maintained in this Commonwealth for the purpose of manufacturing preparing keeping storing handling or distributing in any manner nonalcoholic drinks or liquid foods in bottles cans or other containers for sale

"Department" means the Department of Agriculture of this Commonwealth

"Liquid Foods" includes not only every liquid article used for food by man but also every liquid article used for or entering into the composition of or intended for use as an iingredient in the preparation of food for men

"Non-alcoholic drinks" includes all non-alcoholic drinks whether simple mixed or compound and all substances and ingredients used in the preparation thereof

"Person" includes any partnership association or corporation as well as a natural person

Section 2 It shall be unlawful for any person to manufacture prepare or bottle non-alcoholic drinks or liquid foods in an unclean unsanitary establishment or under unclean unsanitary conditions or to use unsanitary ingredients bottles receptacles or utensils

Section 3 Every bottling establishment bottling non-alcoholic drinks subject to the provisions of this act shall be maintained and operated with strict regard for the purity and wholesomeness of the non-alcoholic drinks and liquid foods therein produced or distributed In order to protect the public health such establishments shall be maintained and operated pursuant to the following general requirements

(a) The entire bottling establishment and its immediate appertaining premises including the fixtures and furnishings the machinery apparatus implements utensils and receptacles used in the production keeping storing handling or distributing of the non-alcoholic drinks or liquid foods or of the materials used therein shall be maintained and operated in a clean sanitary manner

(b) The non-alcoholic drinks or liquid foods and the materials used therein shall be clean wholesome and protected from any foreign and injurious contamination which may tend to render said non-alcoholic drinks and liquid foods unfit for human consumption

(c) The clothing habits and conduct of the employes shall be conducive to and promote cleanliness and sanitation

(d) There shall be proper suitable and adequate toilets and lavatories constructed maintained and operated in a clean and sanitary manner

Section 4 The Department of Agriculture shall enforce and adopt rules and regulations to carry out the provisions of this act

Section 5 The department through its duly authorized officers inspectors agents or other assistants shall be permitted at all reasonable times to inspect any bottling establishment or part thereof together with its operation Any

person refusing or interfering with such inspection shall upon conviction be punished as provided in this act

Section 6 All bottles used for bottling liquid foods or non-alcoholic drinks before being filled shall be cleansed by soaking in a hot caustic solution of not less than one hundred and ten degrees Fahrenheit that shall contain not less than three per centum of caustic or alkali expressed in terms of sodium hydrate or its equivalent in cleansing and germicidal effectiveness for a period of not less than five minutes then thoroughly rinsed in pure water The cleansing solution shall be changed frequently so as to prevent its becoming foul and unsanitary

Section 7 Any person who shall violate any of the provisions of this act or any rule regulation or order of the department made pursuant to this act shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not less than thirty days nor more than sixty days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 8 The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in the Court of Common Pleas of Dauphin County for the purpose of enjoining any person violating any of the provisions of this act from bottling any nonalcoholic drinks and liquid foods in this Commonwealth and for such purpose jurisdiction is hereby conferred upon said court In such cases the Attorney General shall not be required to give bond

Section 9 All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 10 The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 468) entitled "An act for the protection of the public health by providing clean sanitary establishments for bottling non-alcoholic drinks including clean sanitary ingredients bottles receptacles and utensils and providing penalties for the enforcement thereof" is hereby repealed

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. RICE. Mr. President, I move to reconsider the vote by which this bill passed third reading.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading.

Mr. RICE. Mr. President, I ask unanimous consent to amend title, page 1, line 7 of title, by inserting after the word: "containers]" the following: "the use of containers"; amend bill, page 3, by inserting between lines 26 and 27 the following section: "Section 4. It shall be unlawful for any person to manufacture, prepare or bottle non-alcoholic drinks or liquid foods in bottles, cans or other containers, upon the label or crown of which is printed the name of another bottler or manufacturer or on which is blown or imprinted or stamped the name of another bottler or manufacturer."; amend sec. 4, page 3, line 27, by striking out the figure: "4" and inserting in lieu thereof: "5"; amend sec. 5, page 4, line 1, by striking out the figure: "5" and inserting in lieu thereof: "6"; Amend sec. 6, page 4, line 7, by striking out the figure: "6" and inserting in lieu thereof: "7"; amend sec. 7, page 4, line 17, by striking out the figure: "7" and inserting in lieu thereof: "8"; amend sec. 8, page 5, line 4, by striking out the figure: "8" and inserting in lieu thereof: "9"; amend sec. 9, page 5, line 13, by striking out the figure: "9" and inserting in lieu thereof: "10"; amend sec. 10, page 5, line 17, by striking out the figure: "10" and inserting in lieu thereof: "11".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 893, as follows:

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware the Department of Forests and Waters making provision for the designation and employment of a secretary an attorney and other necessary employes of such commission transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commisisoners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring nad appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighth day of June one thousand nine hundredseven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as supplemented by the act approved the ninth day of May one thousand nine hundred thirteen (Pamphlet Laws one hundred eighty-five) and the act approved the eighth day of July one thousand nine hundred nineteen (Pamphlet Laws seven hundred thirty-seven) as amended is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by

the authority of the same That there [shall be established a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries to consist] is hereby created a departmental administrative commission in the Department of Forests and Waters to be known and its navigable tributaries consisting of six members two to be appointed by the Governor one of whom shall be appointed from among the residents of the Chester and Marcus Hook areas two to be appointed by the Mayor of the City of Philadelphia one to be the Secretary of Forests and Waters who shall serve ex officio and one to be the Director of Wharves Docks and Ferries of the City of Philadelphia who shall serve ex officio [one of whom shall be the Director of the Department of Wharves Docks and Ferries for the City of Philadelphia who shall be the President thereof two of whom shall be appointed by the mayor of said cities from such commercial bodies as the councils of said cities may designate one of whom shall be elected by the council of the city of Chester and one of whom shall be elected by the burgess and council of the borough of Bristol Their principal office shall be at the office of the President] The Governor shall designate one of the commissioners to be the president of the said commission The principal office of the commission shall be in the City of Philadelphia

Section 2 That section two of the said act as supplemented is hereby amended to read as follows

Section 2 The [Board of Commissioners of Navigation] members of the Navigation Commission for the [river] Delaware River and its navigable tributaries hereinafter referred to as the Commissioners shall hold office for a term of four years and until their successors are appointed and qualified and may be re-eligible to office They shall serve without compensation but shall be reimbursed for necessary expenses A majority of the Commissioners appointed by the Governor and the Mayor of the City of Philadelphia shall constitute a quorum for the transaction of business

Section 3 That section three of the said act as supplemented is hereby amended to read as follows

Section 3 The Commissioners shall [employ] have a secretary and such clerks as may be necessary to keep fair minutes and entries of all orders regulations and transactions of the said Commissioners in a book or books to be kept for that purpose and the said minutes and entries shall be submitted to the inspection of any person or persons who shall desire to see and peruse the same nad the said Commissioners shall give true copies of all such entries or minutes made in the said book or books as may be required to such person or persnos as shall demand the same he or they paying to the said Commissioners one cent per line for each copy htereof The Commissioners [shall] may also have [authority to employ one competent] if the Secretary of Forests and Waters approve a civil engineer and such other employes as are necessary to the proper transaction of the business of the [Commission of Navigation] Navigation Commission for the Delaware River

The Secretary of Forests and Waters shall appoint the secretary and all employes of the commission whose salaries shall be fixed as provided in The Administrative Code The Attorney General shall furnish such advice or legal service as may be needed or may designate counsel to represent the commission and fix his compensation as provided by The Administrative Code

Section 4 That section seven of the said act as supplemented and as amended by the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 139) is hereby further amended to read as follows

Section 7 Whenever any person or persons shall desire to construct extend or alter any wharf or pier or to erect extend alter or improve any bridge or other harbor structure wholly within the State into or on the aforesaid river and its navigable tributaries such person or persons shall make application to the president of the commissioners stating in writing the nature and extent of such intended wharf pier or other harbor structure or building in the nature of a wharf or harbor structure aforesaid and file in the office of the president of the commissioners the plans and specifications showing fully the proposed erection construction extension alteration or improvement and produce their deed or deeds or other evidence of title to the property to be so occupied altered or improved [whereupon] Every such application shall be accompanied by a filing fee of five dollars ($5.00) to be paid into the State Treasury through the Department of Revenue Upon receipt of any such application the president of the commissioners shall give notice of the time and place of hearing such application to all parties interested by advertising twice a week for two successive weeks in two newspapers of general circulation published within the county in which such work is to be done and by posting such notice upon the premises referred to in such application and if the commissioners upon said hearing shall approve the plans and specifications offered in such application they shall give their assent and issue a license for the erection construction extension alteration or improvement for which application shall have been made and cause the same to be recorded in the office of the president of the commissioners in a book to be kept by the said president of the commissioners for that purpose and such license shall not be unreasonably withheld Provided That for the purposes of this section the commissioners shall not have jurisdiction within any city of the first class All such licenses hereafter granted shall contain a condition imposing upon the licensee the duty of keeping slips or docks free and clear of silt and other deposits or refuse so as to maintain a navigable depth therein to the extent fixed in the license Said license shall also contain a condition requiring the licensee to apply for and obtain a permit from the Water and Power Resources Board and to pay such encroachment charges as said board may fix according to law No license hereafter granted shall be valid until a permit is granted by the Water and Power Resources Board

Section 5 That section ten of the said act as supplemented is hereby amended to read as follows

Section 10 The [Board of Commissioners] Navigation Commission after a hearing of the parties in interest is authorized to regulate the services and to fix the maximum rates for wharfage cranage and dockage Provided That for the purposes of this section the commissioners shall not have jurisdiction within any city of the first class

Section 6 (a) The Board of Commissioners of Navigation for the river Delaware and its navigable tributaries is heerby abolished as of the effective date of this act and the terms of the members of such board now holding office shall expire and terminate upon that date

(b) All the vessels boats launches books records maps and other property and equipment whatsoever in the possession of the said Board of Commissioners of Navigation or of any commissioner officer or employe of said commission shall upon the effective date of this act be delivered or turned over to the Navigation Commission for the Delaware River and its navigable tributaries

(c) All employes of said Board of Commissioners of Navigation on the effective date of this act shall become employes of the said Navigation Commission and shall continue to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions by the commission Persons who upon the effective date of this act are employes of said Board of Commissioners of Navigation shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if the Board of Commissioners of Navigation had not been abolished

(d) All petitions hearings and other proceedings pending before the said Board of Commissioners of Navigation and all investigations begun by such commission or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force and effect as if the said commission had not been abolished and may be completed before or by the said Navigation Commission

(e) All licenses orders rules and regulations made or issued by the said Board of Commissioners of Navigation prior to and in force upon the effective date of this act shall remain in full force and effect until revoked or modified by the said Navigation Commission

(f) Whenever the term "Board of Commissioners of Navigation" occurs in any law supplementing the act amended by this act or otherwise contract or document or whenever in any law supplementing the act amended by this act or otherwise contract or document reference is made to such board such term or reference shall be deemed to refer to and include the Navigation Commission for the Delaware River created by this act it being hereby declared to be the legislative intent that all the powers and duties which under existing law were vested in or directed to be performed by the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries or by the Board of Wardens for the Port of Philadelphia prior to the abolition of said board shall after the effective date of this act be performed by the Navigation Commission for the Delaware River and its navigable tributaries

(g) The unexpended balance existing on the effective date of this act in any appropriation whatsoever made to the said Board of Commissioners of Navigation is hereby transferred and appropriated to the said Navigation Commission for the Delaware River for the same purposes as expressed in any act making such an appropriation and any such unexpended balance also is hereby appropriated to the said Navigation Commission for the payment of any bills or encumbrances incurred by the said Board of Commissioners of Navigation prior to and remaining unpaid on the effective date of this act

Section 7 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Sones,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,	Law,	Rodgers,	

NAYS—15

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden,
Chapman,	Heyburn,	Pierson,	Woodward,
Deitrick,	Homsher,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 975 (House Bill No. 1572), as follows:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providpenalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" are hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "boiler" shall mean a vessel in which power or heat is generated and including all piping and apparatus connected thereto up to and including the stop-valve or valves nearest the boiler and shall also be construed to include unfired pressure vessels except where the context clearly indicates otherwise

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public has access except farms or private dwellings

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inpect boilers in this Commonwealth or boilers destined for use in this Commonwealth

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

"Place of public assembly" shall mean any building or portion thereof designed intended and used for occupation by persons for purposes of entertainment instruction or amusement

"School" shall mean any building or portion thereof where persons assemble for purposes of education and shall include public and private schools academies colleges and universities

Wherever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section 8 Frequency of Inspection Every boiler shall be inspected both internally and externally while not under pressure at least once in every twelve months and while under operating conditions at least once in every twelve months miniature boilers shall be inspected at least once in every twelve months unfired pressure vessels shall be inspected as required by the rules and regulations of the department except that in no case shall regular inspections be required more than once in every twelve months

Section 11 Fees for Inspection and Certificate The fees for the certificate of operation for all insured and uninsured boilers shall be one dollar When boilers are inspected by inspectors of the department the following fee shall be charged in addition to the certificate fee

For the internal and external inspection while not under pressure of a boiler having a grate area of not more than ten square feet the fee shall be five dollars For the internal and external inspection of a boiler while not under pressure having a grate area of more than ten square feet the fee shall be five dollars and in addition ten cents for every square foot of grate area in excess of ten feet

For the external inspection of a boiler while under operating conditions the fee shall be two dollars and fifty cents

For the inspection of a miniature boiler the fee shall be two dollars

For a hydrostatic test of any boiler a fee of five dollars shall be charged in addition to the inspection fees hereinbefore provided for

For unfired pressure vessels the fee for an external inspection shall be two dollars

For the internal inspection of an unfired pressure vessel having a superficial area of not more than forty square

feet the fee shall be two dollars and fifty cents

For the internal inspection of an unfired pressure vessel having a superficial area of more than forty square feet the fee shall be two dollars and fifty cents and in addition five cents for every square foot of superficial area in excess of forty square feet not to exceed a maximum fee of fifteen dollars

Section 13 Registration of Boilers The owner or user of every boiler in this Commonwealth except as exempted from the provisions of this act in section two shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Industry every boiler operated by him giving the type size description name of manufacturer and purpose for which each is used except that unfired pressure vessels shall be registered before June first one thousand nine hundred thirty-eight Such registration shall be on forms to be furnished by the department If the location of any boiler is subsequently changed such change of address shall be registered with the department within ten days and if the purpose for which any boiler is used is changed from that shown on the original registration the department shall be notified within ten days of such change

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. GILSON. Mr. President, I move to reconsider the vote by which the bill passed third reading.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading.

Mr. GILSON. Mr. President, I ask unanimous consent to amend section 1, page 2, line 21 by inserting after the word "vessels" the following: "carrying a pressure of more than fifteen pounds per square inch"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1012 (House Bill No. 843), as follows:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of July one thousand nine hundred and thirty-seven it shall be unlawful for any person partnership association or corporation in the cities of this Commonwealth and in boroughs having a population of more than two thousand five hundred inhabitants to advertise or hold out by any means that any sale of goods wares and merchandise is an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing out sale or a sale of goods damaged by fire smoke or water unless a license is first obtained to conduct such sale from the treasurer of the city or borough in which it is to be held

Section 2 Upon application for such license the applicant shall make a full disclosure under oath of the following information The true name of the owner of the goods to be offered for sale the name of the operator of the sale of a person other than the true owner a full and complete inventory of the quantity kind and character of the goods to be offered for sale which shall be prepared in the following manner First a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license second a listing of all goods received in stock within the fifteen days immediately preceding the application for the license third a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale the method by which the applicant for the license or the true owner of the goods if a different person acquired title to the same and the reason for the urgent and expeditious disposal thereof The said treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is made in such application the said treasurer may refuse the license

Section 3 It shall be the duty of each such licensee to post a copy of the said application in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same

Section 4 Any person conducting or being responsible for any sale as set forth in section one hereof without first having obtained the license or any person making or being responsible for any misrepresentation in connection with the goods so offered for sale or sold shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) or to imprisonment for a term of not exceeding thirty days The right to appeal from such conviction shall exist as in other cases of summary convictions

Section 5 Any license so granted as aforesaid shall be good for no more than a period of ninety days and shall not be renewable nor shall any other such license be granted to the same person within the same city or borough for a period of one year succeeding the expiration of a previous license The treasurer shall receive from the applicant for such license upon the granting thereof a license fee which shall be twenty-five dollars ($25)

Section 6 This act shall not apply to sales conducted by sheriffs constables or other public or court officials or to any other person or persons acting under the direction or authority of any court State or Federal selling goods wares and merchandise in the course of his official duties nor to sales by licensed auctioneers extending over a period not in excess of three days nor to sales conducted by insurance companies or by salvage companies acting for insurance companies when such sales are not conducted at retail

Section 7 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. HOMSHER. Mr. President, I move to reconsider the vote by which the bill passed third reading.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President, I ask unanimous consent to amend section 6, page 4, lines 19 and 20 by striking out the following: "(when such sales are not conducted at retail)"

The PRESIDENT. Is there objection?

Mr. HOMSHER. Mr. President, this bill is designed to prevent fraud in the sale of damaged goods, goods damaged by fire. There is an exemption in for fire insurance companies who take the salvaged goods as part of the insurance. This bill provides, as it was inserted in the House, that it shall not apply to sales conducted by insurance companies or salvaging companies when such sales are not conducted at retail.

Now, there is no pretense of the fire insurance companies or salvaging companies practising unfair or fraudulent means of disposing of these goods, and to take away the rights of selling goods at retail practically annuls all the exemptions in favor of the fire insurance companies and the exception asked for by the associations or mutual fire insurance companies in Pennsylvania.

Mr. SHAPIRO. Mr. President, I should like to have the amendments re-read so that I can follow them with the bill.

The amendments were read by the Clerk.

Mr. SHAPIRO. Mr. President, this has the effect of killing the bill. This bill is aimed, as I have read it when it was first introduced, to prevent fraud in bankrupt sales. Most of those sales are usually at retail, and few, if any, of them are at wholesale. If this amendment is to be accepted, it would mean that the bill looses its full force and effect, up to 40%, 50% or ninety percent.

I object to the amendment.

Mr. HOMSHER. Mr. President, this bill is designed to prevent fraud. There is no one who will allege that the Fire Insurance Company that takes part of the damaged goods for salvage is guilty of fraud in disposing of these goods. The bill is aimed at the fraudulent practices of disposing of goods alleged to be damaged by fire.

Mr. SHAPIRO. Mr. President, I am going to withdraw my objection to the amendments, because, as I see it, the House has already killed this bill by inserting the same amendments with regard to the sales, and it might as well be killed effectively.

BILL RECOMMITTED

Mr. President, I move that the bill be recommitted to the Committee on Judiciary Special for further consideration.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Executive Nominations will meet immediately in the Office of the President Pro Tem.

The Committee on Mines and Mining will meet immediately in Room 265.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 366, entitled:

An Act to amend sections three four six and seven and to add section 9.1 to the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects removing the date by which projects must be commenced removing certain restrictions against the construction of projects making such Authority perpetual; fixing the quorum of the Authority providing for the leasing of projects by the Authority of the Commonwealth clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling assigning mortgaging or otherwise disposing of any of the assets belonging to the Authority and clarifying certain provisions of said act.

Senate Bill No. 425, entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers; providing for wage boards, and defining the powers and duties of such boards and of the Department of Labor and Industry; imposing duties on employers; providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders; exempting certain persons from the provisions of this act and providing penalties.

Senate Bill No. 640, entitled:

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

PHILADELPHIA CHARTER COMMISSION

The PRESIDENT. In the matter of Senate Bill No. 714, House Bill No. 999, creating a Philadelphia Charter Commission, the President Pro Tempore announces the appointment of the Senator from Philadelphia, Mr. SHA-

PIRO, and the Senator from Philadelphia, Mr. WOODWARD, as members of said commission.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Executive Nominations reported with a favorable recommendation the following recommendation made by His Excellency, the Governor of the Commonwealth:

JUDGES OF COMMON PLEAS COURT No. 7 OF PHILADELPHIA COUNTY.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

L. Stauffer Oliver, of Germantown, Philadelphia County, for appointment as President Judge of the Court of Common Pleas No. 7 of Philadelphia County, to serve until the first Monday of January, 1938.

James C. Crumlish, of Philadelphia, Philadelphia County, for appointment as Judge of the Court of Common Pleas No. 7 of Philadelphia County, to serve until the first Monday of January, 1938 (this appointment to have priority over the appointment of Joseph Sloane).

Joseph Sloane, of Philadelphia, Philadelphia County, for appointment as Judge of the Court of Common Pleas No. 7 of Philadelphia County, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

APPOINTMENT OF JUDGES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Isaac Crawford Sutton, of Philadelphia, Philadelphia County, for appointment as President Judge of the Family Court of the County of Philadelphia, and designated first in seniority, to serve until the first Monday of January, 1938.

Michael A. Spatola, of Philadelphia, Philadelphia County, for appointment as Judge of the Family Court of the County of Philadelphia, and designated second in seniority, to serve until the first Monday of January, 1938.

Felix Piekarski, of Philadelphia, Philadelphia County, for appointment as Judge of the Family Court of the County of Philadelphia, and designated third in seniority, to serve until the first Monday of January, 1938.

Joseph Moss, of Philadelphia, Philadelphia County, for appointment as Judge of the Family Court of the County of Philadelphia, and designated fourth in seniority, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is, that it takes unanimous consent of the Senate to suspend Rule 38, unless the rules be suspended by a two thirds vote of the Senators present.

The PRESIDENT. No objection was made to the presentation of the report, the Chair so held.

Mr. BUCKMAN. Mr. President, I object to the immediate consideration.

The PRESIDENT. The report was made and the motion now is to suspend Rule 38, and that the Senate resolve itself into Executive Session. The motion is in order.

Mr. BUCKMAN. Mr. President, Rule 38 provides that the nominations may not be voted upon by the Senate on the same day on which they are reported from Committee. The Rule referring to these nominations reads as follows:

"Which question shall not be put on the day on which the nomination or nominations are reported from Committee, unless by unanimous consent." That is the latter part of Rule 38 of this Senate.

The PRESIDENT. The motion is to suspend the rules.

Mr. BUCKMAN. Mr. President, then I rise to this point of order: In order to suspend this rule it requires a two thirds vote of the Senators present.

The PRESIDENT. That is correct.

And the question recurring.

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. GELDER and were as follows, viz:

YEAS—34

Cavalcante,	Heyburn,	McCreesh,	Rupp,
Dando,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Sordoni,
Gilson,	Kunkel,	Rice,	Stiefel,
Haluska,	Lanius,	Rodgers,	Thompson,
Henney,	Law,		

NAYS—13

Bean,	Gelder	Owlett,	Scarlett,
Buckman,	Homsher,	Pierson,	Wolfenden,
Chapman,	Mallery,	Salus,	Woodward,
Deitrick,			

So the question was determined in the affirmative.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations for Judges of Common Pleas Courts No. 7 of Philadelphia County.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of hte Constitution, and were as follows, viz:

YEAS—34

Cavalcante,	Huffman,	McGinnis,	Ruth,
Dando,	Jacobs,	Mundy,	Salus,
Dent,	Jaspan,	Pytko,	Shapiro,

DiSilvestro,	Kahle,	Rankin,	Sipe,
Eroe,	Kilgallen,	Reed,	Sones,
Frey,	Kunkel,	Rice,	Sordoni,
Gilson,	Lanius,	Rodgers,	Stiefel,
Henney,	Law,	Rupp,	Thompson,
Heyburn,	McCreesh,		

NAYS—14

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Geider,	Owlett,	Wolfenden,
Chapman,	Haluska,	Pierson,	Woodward,
Deitrick,	Homsher,		

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported for Judges of the Family Court of Philadelphia County.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Cavalcante,	Huffman,	McGinnis,	Ruth,
Dando,	Jacobs,	Mundy,	Salus,
Dent,	Jaspan,	Pytko,	Shapiro,
DiSilvestro,	Kahle,	Rankin,	Sipe,
Eroe,	Kilgallen,	Reed,	Sones,
Frey,	Kunkel,	Rice,	Sordoni,
Gilson,	Lanius,	Rodgers,	Stiefel,
Henney	Law,	Rupp,	Thompson,
Heyburn,	McCreesh,		

NAYS—13

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Geider	Owlett,	Wolfenden,
Chapman,	Homsher,	Pierson,	Woodward,
Deitrick,			

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 23, entitled:

An Act making appropriation out of the Motor License Fund to carry into effect the provisions of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" and its amendments and defining the purposes for which said appropriation may be expended.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Henney,	Mallery,	Rupp,
Buckman,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Salus,
Chapman,	Huffman,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
Deitrick,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Geider,	Lanius,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 189, entitled:

An Act to amend sections two hundred and two of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth by providing additional penalties for killing fish by pollution or explosions.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Huffman,	McCreesh,	Rupp,
Deitrick,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Woodward,
Haluska,	Law,		

NAYS—12

Bean,	Ealy,	Homsher,	Salus,
Buckman,	Geider,	Owlett,	Scarlett,
Chapman,	Heyburn,	Pierson,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 199, on third reading, entitled:

An Act to amend section one, section three, as amended, sections seven and thirteen, and section seventeen as amended, and to repeal section six of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and

Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," as amended, by excepting from the provisions of the act certain occupations and professions, further regulating the hours of labor; eliminating existing provisions permitting overtime work in certain cases and the exemption for the canning industry; imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. RANKIN. Mr. President, I call up at this time Senate Bill No. 655 (House Bill No. 228), on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 655, (House Bill No. 228), entitled:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, I desire to interrogate the Chairman of the Committee on Finance, Mr. Rankin.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rankin, permit himself to be interrogated?

Mr. RANKIN. Mr. President, I will.

Mr. REED. Mr. President, I would like to ask the Senator from Allegheny, Mr. Rankin, if this bill, as it is now on the calendar, provides for a tax on chain theatres.

Mr. RANKIN. Mr. President, no.

Mr. CAVALCANTE. Mr. President, in view of the fact, as indicated by the Chairman of the Committee on Finance, that this bill does not cover chain theatres, I ask unanimous consent to offer amendments as this time.

The PRESIDENT. Is there objection?

Mr. RANKIN. Mr. President, I object.

Mr. RUPP. Mr. President, I desire to ask the Chairman of the Finance Committee a question.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rankin, permit himself to be interrogated?

Mr. RANKIN. Mr. President, I will.

Mr. RUPP. Mr. President, I would like to know from the Chairman of the Finance Committee, Mr. Rankin, why he is offering an objection to this amendment.

Mr. RANKIN. Mr. President, the reason I object, my first answer to Senator Rupp was wrong, because on page 2, line 18, it says: "Store: Any place of business or any mercantile establishment" * *" which would include chain theatres.

Mr. CAVALCANTE. Mr. President, I would like to have the Senator from Allegheny, Mr. Rankin, continue further on that page, page 2, where the definition of 'store' sets forth or defines a store as being "any place of business or any mercantile establishment in which or from which tangible personal property of any kind is sold," and I do not see how under any possible stretch of imagination you can include chain theatres in that definition.

Mr. SHAPIRO. Mr. President, if we read the entire section, I take the view that this bill does include theatres, chain theatres. In the first place, the word "stores" means "any place of business"; that is one complete statement, and then the act says: "Store," any place of business or any mercanitle establishment in which or from which tangible property of any kind is sold"; and then in the definition of "store", 'shall not include places of business commonly known as newsstands and warehouses or establishments at which the sole business conducted is that of selling, storing or distributing commodities in bulk', indicates clearly the intent of the Legislature that this shall include any store or mercantile establishment, and the limitations on stores is that it shall not include newsstands. It has no limitation on mercantile establishments, and it is quite evident that there are two kinds of places taxed, one is a store, a place of business, and the other is a mercantile establishment, but the mercantile establishment shall not include news stands.

Mr. REED. Mr. President, it seems there is no objection from the Chairman of the Committee on Finance, and it also seems that the Senator from Philadelphia, Mr. Shapiro, does not object to these amendments being made, the chief contention is over the construction of the language in the bill, and there are several lawyers here tonight who have passed upon this question, and it would seem that there would be no harm done in having the amendments incorporated in the bill, because then it would clearly appear that chain theatres are to be taken into consideration when this bill comes up for final passage, so I see nothing wrong in incorporating Senator Cavalcante's amendments in this bill.

Mr. GILSON. Mr. President, I would like to interrogate the Chairman of the Finance Committee, Mr. Rankin.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rankin, permit himself to be interrogated?

Mr. RANKIN. Mr. President, I will.

Mr. GILSON. Mr. President, I would like to ask the Senator from Allegheny, Mr. Rankin, if the construction of this definition of the word "store" would include theatres?

Mr. RANKIN. Mr. President, yes.

Mr. GILSON. Mr. President, and the theatre is an establishment where tickets are sold?

Mr. RANKIN. Mr. President, a place of business.

Mr. GILSON. Mr. President, and by the same analogy would it include a bus station or a railroad station where tickets are sold?

Mr. RANKIN. Mr. President, there is a difference.

Mr. GILSON. Mr. President, then as I understand the Senator from Allegheny, Mr. Rankin, a railroad station is not a place of business.

Mr. RANKIN. Mr. President, that is my construction.

Mr. GILSON. Mr. President, I would like to have the Senator explain to me why, if it would include a theatre —and a theatre is a place where tickets are sold—it

would not include a railroad station where tickets are sold.

Mr. RANKIN. Mr. President, because it is not considered a place of business.

Mr. GILSON. Mr. President, then as I understand the reasoning of the Senator from Allegheny, Mr. Rankin, a railroad station is not a place of business, but a theatre, where tickets are sold, is a place of business.

Mr. RANKIN. Mr. President, that is my construction of it.

Mr. SHAPIRO. Mr. President, there seems to a question on the part of a number of attorneys whether it includes chain theatres. Now, these amendments would only clarify what we contend what the bill already does; therefore, I have no objection to them and I will withdraw my objection to the amendments, in order that it may clarify that part of the bill.

Mr. KUNKEL. Mr. President, I would like to enter an objection to the amendments.

Mr. CAVALCANTE. Mr. President, I move that the vote by which this bill passed third reading be reconsidered.

Mr. President, may I rise to a question of inquiry, as to whether or not this bill has passed third reading?

The PRESIDENT. The bill has not passed third reading. You will have to reconsider the vote by which the bill passed second reading.

Mr. CAVALCANTE. Mr. President, I move to reconsider the vote by which the bill passed second reading.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, I ask for a roll call.

Mr. KUNKEL. Mr. President, I would like to interrogate the Senator from Fayette, Mr. Cavalvante, who asked unanimous consent to present these amendments.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. KUNKEL. Mr. President, I would like to ask the Senator from Fayette who is the sponsor of these amendments and by whom were they prepared?

Mr. CAVALCANTE. Mr. President, they were prepared by Mr. Fertig.

Mr. KUNKEL. Mr. President, I would like to ask the Senator who sponsored the amendments?

Mr. CAVALCANTE. Mr. President, at this time I am sponsoring the amendments.

Mr. KUNKEL. Mr. President, I would like to ask the Senator who requested him to sponsor the amendments?

Mr. CAVALCANTE. Mr. President, it was the result of a consultation between the Senator from Washington, Mr. Reed, and myself.

POINT OF ORDER

Mr. SALUS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Salus will state his point of order.

Mr. SALUS. Mr. President, my point of order is that no Senator has the right to inquire into the private acts of any other Senator on this floor, and I do not think the Senator from Dauphin, Mr. Kunkel has the right to ask the question he has asked. The Senator from Fayette has a right to his personal opinion, and the question of the Senator from Dauphin should not be asked under any rule of decency or legislation.

The PRESIDENT. The Chair is of the opinion that the interrogation is far afield.

Mr. KUNKEL. Mr. President, I do not wish to inquire into any personal matters.

Mr. SALUS. Mr. President, I insist on a ruling on a point of order that the question is not debatable.

The PRESIDENT. The point of order is not sustained.

Mr. KUNKEL. Mr. President, I cannot understand why the Senator from Philadelphia, Mr. Salus, would be so anxious to protect some other Senators from embarrassment.

Mr. SALUS. Mr. President, I am just as anxious to protect the Senator from Dauphin, Mr. Kunkel if he were put in that position.

The PRESIDENT. The Senator from Dauphin and the Senator from Fayette are well able to take care of themselves.

Mr. KUNKEL. Mr. President, it seems to me that we have a right to know the source and the persons concerned in amending this bill. We have a right to know what the motive is and the objection back of any suggestive amendments. We all know, and the public knows that there is terrific propoganda and sentiments stored up against this bill. We know that there are large financial interests at stake, and we have a right as Representatives of this Commonwealth to know the source of these last minute amendments proposed.

Mr. CAVALCANTE. Mr. President, may I inform the Senator from Dauphin, Mr. Kunkel, that I have not been offered any money from the chain theatres to introduce these amendments.

The PRESIDENT . The question is on the motion to reconsider. Let the Chair suggest that the debate be confined to the question of reconsideration of the motion on the vote by which Senate Bill No. 655, House Bill No. 228 pass second reading.

And the question recurring

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I think the Members of the Senate ought to be pretty well tired of amendments to Senate Bill No. 655, House Bill No. 228. I think it is a mistake at this late hour to insert amendments on third reading, which nobody has seen. It may affect the entire interruption of the bill. I am convinced that this bill the Chain Store Tax Bill, should tax every chain store. I do not care whether the stores sell groceries or railroad tickets, they ought to be taxed. Now, this bill will no doubt go into a conference committee, I say, because we made amendments to the Bill after it came from the House, and I suggest that in order to save a great deal of time and the nerves of the Senators, that the Senator from Dauphin withdraw his objection and allow the amendments to be printed in the bill so that the House will have an opportunity to read the amendments and the conference committee can dispose of the whole question.

Mr. KUNKEL. Mr. President, my suspicions concerning the source of last minute amendments have in no wise been changed, notwithstanding that at the request of the Senator from Philadelphia, Mr. Shapiro, and with a great deal of reluctance, I withdraw my objection.

The PRESIDENT. The withdrawal of the objection in

no vote changes the parliamentary situation; there is a motion before the Senate.

Mr. SHAPIRO. Mr. President, I suggest that the Senator from Fayette, Mr. Cavalcante, withdraw his motion and present his amendments.

Mr. CAVALCANTE. Mr. President, before I do that, I wish to inform the Senator from Dauphin, Mr. Kunkel, that in my humble opinion if there is any inducement offered to anyone to keep these amendments out of the bill, the offer has been made to those who are fighting the introduction of these amendments to the bill. With that statement, Mr. President, I gladly withdraw my motion.

Mr. REED. Mr. President, I withdraw my second.

Mr. KUNKEL. Mr. Speaker. Mr. President, I withdraw my objection to immediate consideration of the measure.

The PRESIDENT. The motion to reconsider and the objection to the amendments have been withdrawn.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to amend title, page 1, line 3 of title, by inserting after the word: "stores" the following: "theatre or theatres"; amend bill, page 1, line 1, by striking out the following: "Section 1"; amend sec. 1, page 2, line 2, by inserting after the word: " "Store" the following: "and Theatre"; amend sec. 2, page 2, by inserting after line 29 the following paragraph: "Theatre(', any building or place for the production of theatrical entertainment including opera, drama, comedy, vaudeville, motion pictures or other shows or a combination thereof."; amend sec. 3, page 3, line 5, by inserting after the word: "store" the following: "or theatre"; amend sec. 3, page 3, line 9, by inserting after the word: "store" the following: "or theatre"; amend sec. 3, page 3, line 11, by inserting after the word: "store" the following: "or theatre"; amend sec. 3, page 3, line 12, by inserting after the word: "store" the following: "or theatre"; amend sec. 3, page 3, line 5, by inserting after the word: "store" the following: "or theatre"; amend sec. 4, page 3, line 24, by inserting after the word: "store" the following: "or theatre"; amend sec. 4, page 4, line 2, by inserting after the word: "store" the following: "or theatre"; Amend sec. 5, page 4, line 10, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 4, line 13, by inserting after the word: "stores" the following: "or theatre or theatres"; amend sec. 5, page 4, line 15, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 4, line 16, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 4, line 17, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 4, by inserting at the end of line 18 the following: "or theatre"; amend sec. 5, page 4, line 19, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 4, line 20, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 4, by inserting at the end of line 21 the following: "or theatre"; amend sec. 5, page 4, line 22, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 4, line 23, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 4, by inserting at the end of line 24 the following: "or theatre"; amend sec. 5, page 4, line 25, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 4, line 26, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 4, by inserting at the end of line 27 the following: "or theatre"; amend sec. 5, page 5, line 1, by inserting after the word: "store" the following "or theatre"; amend sec. 5, page 5, line 2, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 5, by inserting at the end of line 3 the following: "or theatre"; amend sec. 5, page 5, line 4, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 5, line 5, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 5, by inserting at the end of line 6 the following: "or theatre"; amend sec. 5, page 5, line 7, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 5, line 8, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 5, by inserting at the end of line 9 the following: "or theatre"; amend sec. 5, page 5, line 10, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 5, line 11, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 5, line 12, by inserting after the word: "store" the following: "or theatre" amend sec. 5, page 5, line 13, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 5, line 14, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 5, line 16, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 5, line 17, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 5, line 18, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 5, line 20, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 5, line 21, by inserting after the word: "store" the following: "or theatre"; amend sec. 5, page 5, line 21, by inserting after the word: "stores" the following: "or theatres"; amend sec. 5, page 5, line 23, by inserting after the word: "store" the following: "or theatre"; amend sec. 6, page 5, line 24, by inserting after the word: "stores" the following: "or theatres"; amend sec. 6, page 5, line 28, by inserting after the word: "stores" the following: "or theatres"; amend sec. 6, page 6, line 1, by inserting after the word: "stores" the following: "or theatres"; amend sec. 7, page 6, line 8, by inserting after the word: "store" the following: "or theatre"; amend sec. 8, page 6, line 19, by inserting after the word: "store" the following' "or theatre"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 200, entitled:

An Act to amend clause (c) of section two thousand and three of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and

reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined eliminating certain powers of the Department of Highways

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 214 on third reading entitled:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases and defining the powers of the court in such cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 232, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushey Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. RUPP. Mr. President, I should like to be informed by one of the sponsors of this bill how much it is going to cost the State of Pennsylvania to provide for this acquisition and maintenance.

The PRESIDENT. Will the Senator from Armstrong, Mr. Sipe, supply this information?

Mr. SIPE. Mr. President, the bill provides for $100,000 or whatever else they might need to meet the situation. If the proposition is taken over, it will become part of the present Bushy Run Battlefield Park.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Law,	Ruth,
Buckman,	Haluska,	Mallery,	Salus,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Chapman,	Heyburn,	McGinnis,	Shapiro,
Dando,	Homsher,	Mundy,	Sipe,
Deitrick,	Huffman,	Owlett,	Sones,
Dent,	Jacobs,	Pierson,	Sordoni,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—1.

Rupp,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 262 (House Bill No. 620), entitled:

An Act to authorize cities of the third class boroughs and townships to sue out writs of scire facias on certain municipal claims or to proceed to judgment upon writs of scire facias issued or to revive judgments on such claims where more than five years have elapsed since said claims were filed such writs of scire facias were issued or such judgments were entered or revived and to reduce such claims to judgment or to revive such judgment and providing for the revival and collection of such judgments and the liens thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,

Frey,	Kunkel,	Rice,	Woodward,
Gelder	Lanius,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. MUNDY. Mr. President, I ask unanimous consent that Senate Bill No. 289, (House Bill No. 150) on third reading entitled:

An Act to amend section three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 831), entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth; prescribing the qualifications, defining the powers and duties, and fixing the compensation of such examiners; providing for the appointment and removal of inspectors of anthracite mines; prescribing their qualifications, and regulating their salaries and term of office; and abolishing the terms of office of the present mine inspectors of the anthracite mines," by defining the term "coal miners."

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 322,)House Bill No. 280), entitled:

An Act requiring all terminal airports maintaining regular scheduled flights and all radio transmission stations used for air navigation purposes to maintain auxiliary aerial night lighting equipment and an auxiliary source of electric current for the same and providing penalties

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 337, entitled:

An Act relating to memorial halls in counties of the second class erected in memory of the soldiers sailors and marines who served in the Civil War and providing for the use upkeep and management and control of such halls

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when heretofore there has been erected in any county of the second class a hall as a memorial to the soldiers of any war or wars in which the United States of America was engaged and such hall has been and is maintained by said county under authority of existing laws such hall shall hereafter be under the control and management of a board of managers The personal of such board the method of selection of the members thereof and the extent of its authority shall be as hereinafter provided

Section 2 The board of managers shall consist of

(a) Ex-officio members (five) the president judge of the court of common pleas of such county the judge of said court next oldest in commission the county commissioners of the county

(b) Elective members (twelve) the present elective members representing the Veterans of the Civil War shall be and continue as members of such board until removed by death resignation or otherwise The remaining members of the elective twelve shall be filled by the following organizations out of their membership (three) by the county organization of the United Spanish War Veterans (three) by the county organization of the American Legion (three) by the county organization of the Veterans of Foreign Wars within thirty days from the date when this act becomes effective and they shall certify such election to the secretary of the existing board whereupon the persons so elected shall be members of the board

Section 3 Vacancies occurring among the elective members of the board shall be filled by the organization which chose the members whose place it is desired to fill Provided however That whenever it may appear that it is impossible to fill any vacancy in the board caused by the death or resignation of a member thereof who represented the veterans of the Civil War because no organization survives to choose such members or no person survives who can qualify for such membership vacancies so created and existing shall upon notice from the secretary be filled by the county organizations of the United Spanish War Veterans and the American Legion and the Veterans of Foreign Wars That is to say the first vacancy so caused shall be filled by the county organization of the United Spanish War Veterans the second by the county organization of the American Legion and the third by the county organization of the Veterans of Foreign Wars and so on in rotation That is to say that when no member representing the Veterans of the Civil War shall remain on said board the elective personnel of the board shall be as follows Elective members (twelve) United Spanish War Veterans (four) the American Legion (four) Veterans of Foreign Wars (four)

Section 4 The organization of the board and its powers and duties and the powers and the duties of the county commissioners and the various courts of such county with respect to such memorial hall and the provisions for the maintenance and repair of such hall shall be and continue as provided under existing law

Section 5 Said memorial hall shall be in memory of the soldiers sailors and marines from such county who served in the Civil War It shall also contain one large assembly hall or auditorium for public meetings of the soldiers saliors and marines of such county but which may be used used for other public meetings It shall also contain rooms fro meetings of the posts of the Grand Army of the Re-

public encampments of the Union Veterans Legion commanderies of the Loyal Legion posts of United Spanish War Veterans posts of the American Legion posts of the Veterans of Foreign Wars and kindred patriotic organizations It shall also contain rooms and places for the proper display and preservation of relics and trophies of all such wars insurrections and expeditions flags histories rosters and records of all such patriotic organizations regimental and company histories photographs paintings and portraits busts and statues of soldiers sailors and marines of such county and mural tablets upon which may be inscribed the names of the soldiers sailors and marines of such county who served in any such wars insurrections and expeditions

Section 6 The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

Mr. MALLERY. Mr. President, I have been informed, and I notice that by reading this bill, the sons of Veterans are not represented on this Board, and I would like to ask the sponsor of the bill if there is any particular reason why the Sons of Veterans should not be given representation on this Board.

Mr. FREY. Mr. President, after having had a public hearing in the City of Pittsburgh, the members of the Committee decided there was no given demand that they be represented on the Board.

Mr. MALLERY. Mr. President, is that the view expressed by the veterans themselves, and is it not a fact that the Sons of Veterans would like to be represented on this Board?

Mr. FREY. Mr. President, some of them, yes, and some of them, no.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bean,	Gilson,	Kunkel,	Rupp,
Cavalcante,	Haluska,	Lanius,	Salus,
Dando,	Henney,	Law,	Scarlett,
Deitrick,	Heyburn,	McCreesh,	Shapiro,
Dent,	Homsher,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Mundy,	Sones,
Ealy,	Jacobs,	Pierson,	Stiefel,
Eroe,	Jaspan,	Pytko,	Thompson,
Frey,	Kahle,	Rankin,	Wolfenden,
Gelder,	Kilgallen,	Reed,	

NAYS—4

Chapman,	Mallery,	Rice,	Ruth,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 406, on third reading entitled:

An Act making an appropriation to the Local Government Commision to continue its work

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 413, as follows:

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 481) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 481) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" as amended in part by the act approved the seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws 174) is hereby further amended to read as follows

Section 6 Applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses shall be citizens of the United States of good moral character and of known temperate habits at least twenty-three years of age and shall have had an aggregate of at least five years' practical experience after sixteen years of age as miners or mining engineers or men of general work inside of the bituminous mines [of the United States of which five years there must be not less than two years' practical experience inside of the bituminous mines] of Pennsylvania Provided That graduates in the coal mining course of a recognized institution of learning may after examination be granted certificates of qualification by the examining board as mine foremen assistant mine foremen and fire bosses if possessed of an aggregate of not less than three years' practical experience as miners [or mining engineers] or men of general work inside of the bituminous mines of Pennsylvania Applicants for certificates of qualification as first grade mine foremen first grade assistant mine foremen and fire bosses shall also have had experience in bituminous mines in Pennsylvania that generate explosive gas

All applicants shall be able to read and write the English language intelligently and shall furnish the board with certificates as to their character and temperate habits which certificates shall also show the length of service in the different mines

Certificates of qualification as mine foremen shall be of two grades namely Certificates of first grade shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in gaseous mines and who shall have received an average of at least eighty per centum in [the] each examination Certificates of second grade shall be

granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in nongaseous mines and who shall have received [an average of] at least eighty per centum in the second grade examination

Certificates of qualification as first grade assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen in gaseous mines and who shall have received an average of at least seventy per centum in [the] each examination

Certificates of qualification as second grade assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen in nongaseous mines and who shall have received at least seventy per centum in the second grade examination

Certificates of qualification as fire bosses shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of fire bosses in gaseous mines and who shall have received an average of at least [sixty-five per centum] seventy-five per centum in the examination Provided however That all applicants who have passed a satisfactory written examination shall also pass a satisfactory oral examination but the examining board shall have authority to exempt any applicant from the oral examination for justifiable reasons

Section 2 Section ten of said act is hereby amended to read as follows

Section 10 It shall be unlawful for any operator manager or superintendent to employ as mine foreman in a bituminous mine or as assistant mine foreman in a bituminous [gaseous] mine any person who has not obtained the proper certificate of qualification required by this act [unless such person is in the judgment of the operator equally competent with the persons who are holders of such certificates] Provided That certificates of qualification or service heretofore granted shall have equal value with certificates of qualification granted under this act And it shall be unlawful for any operator manager superintendent or mine foreman to employ as fire boss in a bituminous mine any person who has not obtained the proper certificate of qualification under this act [unless such person is in the judgment of the operator equally competent with the persons who are holders of such certificates] Provided That certificates of qualification as fire boss granted under the acts of June nine one thousand nine hundred and eleven (Pamphlet Laws seven hundred and fifty-six) and May fifteen one thousand eight hundred and ninety-three (Pamphlet Laws fifty-two) shall have equal value with certificates of qualification granted under this act

Provided however That in an emergency the mine foreman may deputize temporarily a competent person or persons to act as shot-firers or machine runners but this authority shall not be exercised by the mine foreman so long as certified shot-firers or certied machine runners are available in the mine

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I ask unanimous consent to amend page 6, line 12 by striking out the words "shot firers or machine runners" and insert in lieu thereof "assistant mine foreman or fire bosses".

In line 14, strike out the words "shot firers or certified machine runners" and insert in lieu thereof "assistant mine foreman or certified fire bosses".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 415, entitled:

An Act providing for the examination and certification of, and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines; and providing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder	Lanius,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 416, entitled:

An Act providing for the examination and certification of, and regulating the employment of mine electricians in bituminous coal mines; imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 430, entitled:

An Act making an appropriation to the Department of Health for the prevention of blindness in infants

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bean,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Scarlett,
Dent,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 436, entitled:

An Act to further amend section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws four hundred seventy-nine) entitled as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants by providing for the poining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Huffman,	Mundy,	Scarlett,
Dent,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,			

NAYS—1.

Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 475, entitled:

An Act to further amend section seven hundred twenty-three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrains and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligence operation of their motor vehicles imposing penalties certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing boroughs to levy a license fee or tax on certain vehicles under certain circumstances

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Gilson	Mallery,	Rodgers,
Buckman,	Haluska,	McCreesh,	Rupp,
Cavalcante,	Henney,	McGinnis,	Ruth,
Chapman,	Heyburn,	Mundy,	Salus,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jaspan,	Pierson,	Sipe,
Dent,	Kahle,	Pytko,	Sones,
DiSilvestro,	Kilgallen,	Rankin,	Stiefel,
Ealy,	Lanius,	Reed,	Thompson,
Eroe,	Law,	Rice,	Wolfenden,
Frey,			

NAYS—3

Gelder,	Homsher,	Salus,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 562, entitled:

An Act making an appropriation to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. HEYBURN. Mr. President, I see in reading this bill that it calls for an appropriation of $75,000. I would like to ask the sponsor what they are going to do with that money, and if they could not get along with a little less money.

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will. I would inform the Senator from Delaware, Mr. Heyburn, that this amount has been approved in the budget and by the Governor. This celebration had its origin back in 1913, when Governor Tener who was the Chief Executive of Pennsylvania, invited the assembled veterans to the reunion, which was held at Gettysburg, on the 75th Anniversary, and told them that the State of Pennsylvania would be their host. At the celebration the State of Pennsylvania spent over half a million dollars and the Federal Government about a million dollars. I might add that the Federal Government is going to co-operate in this Anniversary, and it is felt that this amount is not excessive to provide a final joint reunion for all of the veterans who took part in the Civil War, both the North and the South.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Dando,	Hevburn,	McGinnis,	Salus,
Deitrick,	Homsher,	Mundy,	Scarlett,
Dent,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I move to call up Senate Bill No. 765, House Bill 794, (on third reading) entitled:

An Act to amend section one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (P L 1012) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 765, (House Bill No. 794), entitled:

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended by the act approved the fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy-five) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be [lawful] unlawful for any person persons partnership association or corporation within this Commonwealth [who shall comply with the requirements of this act] to make a loan of money credit goods or things in action in the amount or of the value of [in sums of] three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities and charge [and collect for the] contract for or receive on any such loan [thereof] a rate of interest [as hereinafter provided under the following conditions] discount fines charges or consideration greater than six per centum (6%) per annum without first obtaining a license from the Secretary of Banking in accordance with the provisions of this act

(a) Any person or persons firm corporation or association applying for the same under oath and in the form prescribed by the Secretary of Banking [Commissioner] and paying the sum of [fifty ($50)] one hundred ($100) dollars may in the discretion of the Secretary of Banking [Commissioner] except as hereinafter provided obtain a license for carrying on the said business The said license shall be issued by the Secretary of Banking [Commissioner] and shall expire the first day of June next following the date of its issuance but no abatement of said charge shall be made if licenses are issued for less than one year Every

such license shall be renewed annually on the first day of June in each year No license shall be granted to any corporation unless and until such corporation shall in writing and in due form to be first approved by and filed by the Secretary of Banking [Commissioner] appoint an agent resident in the Commonwealth of Pennsylvania upon whom all judicial and other process or legal notice directed to such corporation may be served and in the case of the death removal from the Commonwealth or any legal disability or disqualification of any such agent service of such process or notice may be made upon the Secretary of Banking [Commissioner] The said [Commissioner] Secretary of Banking shall have the power to reject any application for license if he is satisfied that the financial responsibility experience character and general fitness of the applicant or applicants are not such as to command confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act or if he is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted or if it shall appear to the Secretary of Banking that the business of the applicant is or is to be substantially that generally conducted by pawnbrokers the said [commissioner] Secretary of Banking may upon the expiration of thirty (30) days written notice to the licensee forward by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license if the license shall violate any of the provisions of this act or if the license shall violate any rule or regulation made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to comply with any demand rule or regulation lawfully made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to pay the cost of an examination by the Secretary of Banking or his authorized representative or if the licensee has failed to maintain in effect the bond required under the provisions of this act or if the licensee shall fail to file the annual report to the Secretary of Banking within the time stipulated in this act or if any fact or condition exists which if it had existed at the time of original application for such license clearly would have warranted the Secretary of Banking originally in refusing to issue such license Whenever the Secretary of Banking shall issue a notice of intention to revoke a license issued pursuant to this act the licensee may within ten (10) days of the date of such notice file with the Secretary of Banking an application for a hearing before the Department of Banking Upon receipt of such application the Secretary of Banking shall fix the time and place for such hearing After such hearing the Secretary of Banking may recall the notice of intention to revoke the license or he may after the expiration of thirty (30) days written notice to the licensee of such intention revoke the license Whenever the Secretary of Banking issues a notice of intention to revoke a license and the licensee does not file an application for a hearing before the Department of Banking as in this act provided or whenever the Secretary of Banking issues a notice of intention to revoke a license after a hearing before the Department of Banking the licensee may within the period of thirty days provided in the notice appeal from such action to the Court of Common Pleas of Dauphin County Whenever such license is revoked the [Commissioner] Secretary of Banking shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license and not at all if such licensee shall have been convicted of a violation of this act for a second offense under the provision of section six (6) thereof When a license is not renewed or when a license is surrendered or when a license has been revoked by the Secretary of Banking the licensee shall forfeit the privilege of granting new loans at interest permitted under this act and shall also forfeit the right to collect interest in excess of 6% per annum on outstanding loans In addition to said license fee said licensee shall pay for the examination by said Secretary of Banking [Commissioner] as hereinafter provided Every such applicant shall execute and file a bond to the Commonwealth of Pennsylvania in the penal sum of five thousand ($5,000) dollars with the Secretary of Banking [Commissioner] to be approved by him for the faithful observance of all laws relating to such business Said bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within the Commonwealth and such bond shall be renewed and refiled annually not later than the first day of June in each year

(b) The license shall state fully the name or names of the person persons partnership association or corporation [and of every member of the firm or association] authorized to do business thereunder and the location of the office or place of business in which the business is to be conducted [and in the case of a corporation shall also state the date and place of its incorporation the names of its directors for the period for which the license is issued and the name and address of the agent as provided in section one (1) of this act] Such license shall be kept posted in a conspicuous place in the office where the business is transacted No licensee shall transact or solicit business under any other name or at any other office or place of business than that named in the license Not more than one office or place of business shall be maintained under the same license and no loans or advancements shall be made applications received notes or contracts signed or payments received at any other place of business than that designated in the license But in case of a removal the Secretary of Banking [Commissioner] may on application indorse thereon a transfer to the new place of business with the date of transfer and from the time of such indorsement the new place so designated shall be deemed the place designated in the license A licensee shall not conduct the business of making loans under this act within any office room or place of business in which any other business is solicited or engaged in or in association or conjunction therewith except as may be authorized in writing by the Secretary of Banking

(c) The Secretary of Banking [Commissioner] shall either personally or by such person or persons as he may appoint for the purpose at least once a year and oftener if he deems it advisable investigate the business and affairs of every such licensee and for that purpose shall have free access to the vaults books and papers thereof and other sources of information with regard to the business of such licensee and shall ascertain the condition of the business and whether it has been transacted in accordance with the law and the rules and regulations lawfully made by the Secretary of Banking Said [Commissioner] Secretary of Banking and every examiner appointed by him shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination The cost of every such examination shall be paid by the licensee so examined and said [Commissioner] Secretary of Banking may maintain an action for the recovery of such costs in any court of competent jurisdiction

(d) The Secretary of Banking is hereby authorized and empowered to make general rules and regulations governing advertising of licensees contracts with borrowers computation of interest charges books records and accounts of licensees and treatment of collateral and he is further authorized and empowered to make specific demands rulings and requirements for the proper conduct of the business contemplated by this act and for the enforcement of this act which rules and regulations shall have the force and effect of law

(e) For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary of Banking or the examiners appointed by him may at any time investigate the business and examine the books accounts records and files used therein of every person persons partnership association or corporation who or which shall be engaged in the business of making loans or who or which shall advertise or offer to make loans whether such person shall act or claim to act as principal

agent or broker or under or without the authority of this act For this purpose the Secretary of Banking shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

(f) The Secretary of Banking shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary of Banking has authority by this act to consider or investigate and for this purpose the Secretary of Banking may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary of Banking the Secretary of Banking may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such Court shall thereupon issue an order requiring the person subpoened to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the Court may be punished as for contempt of court

(g) Every person persons partnership association or corporation licensed under this act shall annually on or before the first day of March file a report with the Secretary of Banking giving such information as the Secretary of Banking may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by such licensee within this Commonwealth Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking

Section 2 Any person persons copartnership association or corporation who shall obtain a license in accordance with the provisions of section one of this act shall be entitled to loan money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities at his their or its place of business for which said license is issued and to charge the borrowers thereof for its use or loan interest at a rate not to exceed three [and one-half (3½)] (3) per centum per month on that part of the unpaid principal balance of any loan not in excess of one hundred fifty ($150) dollars and two (2) per centum per month on any remainder of such unpaid principal balance In the case of loans made upon the security of tangible personal property physical possession of which is taken by the licensee the licensee shall not charge interest at a rate in excess of such rates as are provided for by the act approved the sixth day of April one thousand nine hundred and thirty-seven Number 51 (Pamphlet Laws) for loans of similar character or the rates provided by this act whichever are the lower provided however that in no event shall the rates charged exceed the rates provided by this act No licensee shall induce or permit any borrower to split up or divide any loan No licensee shall induce or permit any person nor any husband and wife jointly or severally to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section No fees fines or other charges either in addition to or as a part of the above specified interest shall be charged or collected under any pretext whatsoever

A contract for a loan under the provision of this act shall not be made for a period in excess of eighteen (18) months Interest on the unpaid balances thereafter shall be payable at the rate of six (6%) percentum per annum Interest shall not be payable in advance or compounded and shall be computed only on unpaid balances for the time that has elapsed at date of payment Interest on judgments which have been entered of record may be computed at the rates prescribed in this section until the date of the issuance of a writ of execution thereafter the interest shall be computed at the rate of six (6%) per centum per annum If interest in excess of that hereinbefore prescribed shall be received by any licensee the said licensee shall thereupon lose all his right to collect or receive the interest allowed under this act and shall be entitled to recover from the borrower only the amount actually loaned together with interest at the rate of six per centum per annum upon unpaid balances less any and all amounts already paid by the borrower on account of said loan either as principal or interest Any person borrowing money from any licensee under this act who shall be charged and pay any interest in excess of that prescribed and allowed by the provisions of this act shall be entitled to recover back from the lender by action at law begun at any time within two years from the date of the last payment any and all sums of money so charged and paid in excess of the amount of the original loan together with interest at the rate of six per centum per annum upon unpaid balances up to the date of final payment of said loan and in addition fifty ($50) dollars as a penalty to be paid to the borrower

Section 2 That sections four six and seven of said act are hereby amended to read as follows

Section 4 Wherever payment is made on account of a loan to which the provisions of this act shall apply the person receiving such payment shall when payment is made give to the person paying a receipt setting forth the amount then paid [the total amount previously paid] on account of interest if any the amount then paid on account of principal if any and the amount remaining due on principal identifying the instrument accompanying the loan to which the payment is to be applied

Section 6-A Every person persons copartnership association or corporation licensed under this act or any partner director officer agent or member thereof who shall violate any provision of this act or shall direct or consent to such violation [or who shall lend money in sums of three hundred ($300) dollars or less and charge or receive for the loan or use thereof interest in excess of six per centum (6%) per annum without first having complied with the provisions of section one of this act] shall be guilty of a misdemeaner and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred ($500) dollars for the first offense and for each subsequent offense a like fine and to suffer imprisonment not to exceed six months or both in the discretion of the Court

B Every person persons copartnership association or corporation or any partner director officer agent or member thereof who shall directly or indirectly as principal agent or broker by any device subterfuge or pretense whatsoever charge contract for or receive any interest discount fees fines charges or consideration greater than six per centum (6%) per annum upon the loan use or forbearance of money goods or things in action or upon the loan use or sale of credit of the amount or value of three hundred ($300) dollars or less without having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars or more than five thousand ($5,000) dollars or to suffer imprisonment of not less than six (6) months or more than three (3) years or both at the discretion of the Court

C No loan of the amount or value of three hundred ($300) dollars or less for which interest discount fees charges or consideration greater than six per centum (6%) per annum has been charged contracted for or received except as authorized by this act wherever made shall be enforced in this Commonwealth and the borrower shall not be required to pay any principal interest or charges whatsoever This provision shall not apply to loans legally made in any State which then has in effect a regulatory small loan law similar in principal to this act

D The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale or assignment of or order for the payment of wages salary commissions or other compensation for services whether earned or to be earned shall for the purposes of regulation under this act be deemed a loan secured by such assignment and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed interest or charges

upon such loan from the date of such payment to the date such compensation is payable Such transactions shall be governed by and subject to the provisions of this act

E The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale of real or personal property which is made on condition or agreement expressed or implied that such property be sold back at a greater price shall for the purpose of this act be deemed to be a loan secured by such property and the amount by which the repurchase shall be deemed interest or charges upon such loan from the date such original payment is made until the date such repurchase price is paid Such transaction shall be governed by and subject to the provisions of this act

F When real or personal property is pledged as security on a loan of three hundred ($300) dollars or less and the lender requires the borrower to pay for insurance thereon or when the lender requires life insurance as a security to a loan of three hundred ($300) dollars or less such charge for insurance shall be construed as interest under this act when the lender has failed to have such insurance written by an insurance company legally authorized to conduct business in Pennsylvania When the amount charged for such insurance is in excess of the standard cost of similar insurance in other insurance companies legally authorized to conduct business in Pennsylvania the excess shall be construed as interest under this act

Section 7 This act shall not affect and [existing] laws of this Commonwealth special or general authorizing a charge for the loan of money in excess of interest at the legal rate and provided That this act shall not apply to any person persons partnership association or corporation operating under the laws relating to banks and trust companies trust companies private banks saving banks national banking associations building and loan associations consumers discount companies or pawn-brokers

Section 3 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 4 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 594, (House Bill No. 744) on third reading entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to provisions and purposes of the Act of Congress approved the twenty-ninth day of June one thousand nine hundred thirty-five (Public No. 182 74th Congress)

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent that Senate Bill No. 675 on, third reading entitled:

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones conferring additional powers and duties upon the Department of Revenue counties municipalities and certain persons firms and corporations including public service companies restricting existing remedies and providing additional remedies making an appropriation from the Motor License Fund and providing penalities

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. PYTKO. Mr. President, I move that Senate Bill No. 754, on third reading, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that four new sections to be known as section six hundred and seventy-six (676) six hundred and seventy-seven A (677A) six hundred and seventy-seven B (677B) and six hundred and seventy-eight (678) are added establishing one or more rating bureaus for the classification of risks underwriting rules premium rates and schedule or merit rating plans for insurance of owners and operators of motor vehicles and requiring filing of annual reports of premium and loss experience by insurers

Be recommitted to the Committee on Insurance for the purpose of a public hearing.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 379 (on third reading, postponed,) entitled:

An Act to amend section one of the act, approved the nineteenth day of July, one thousand nine hundred and seventeen (P. L. 1122), entitled "An act providing that every advertisement and notice required by authority of law or rules of court to be published in any county in the Commonwealth, or in any city coincident to the boundaries of a county may, in addition to the publication of such advertisements or notices required to be made in newspapers published and printed in the English language, be also published, by the public officer, body, or court directed by law or rules of court to publish such advertisement or notice in newspapers printed in the English language, in one or more daily, or weekly, newspapers printed in a foreign language, or languages; such newspapers printed in a foreign language, or languages, to be printed in and have general circulation in the county, or the city coincident to the boundaries of said county, for at

least three years continuously before the publication of such advertisement or notices; and further providing for the prices to be charged for publishing such advertisements or notices in any such foreign newspapers, how often the same shall be published, and the stipulation and regulations under which the same shall be published" as amended, by requiring that certain newspapers shall be printed in certain counties.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to,

And the question recurring.

Will the Senate agree to the bill on third reading?

BILL DROPPED FROM CALENDAR

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 379 be dropped from the Calendar.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LAW. Mr. President, I object to the dropping of this bill from the calendar in such a summary manner. This bill provides a procedure by which certain bonds may be issued to an amount which will be secured by sewer rentals. In addition to the Constitutional limitation, these bonds are to be secured by sewer rentals.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL DROPPED FROM CALENDAR

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 710, on second reading, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

be dropped from the calendar.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Mr. EROE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 848 (on third reading, postponed) entitled:

An Act to amend section 2551 and to repeal sections 2501, 2502, 2503 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, and 2521, of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating therto," providing for taxation in such cities on the basis of assessments and valuations for county purposes.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. EROE. Mr. President, I move that Senate Bill No. 848 be recommitted to the Committee on Municipal Government.

for the purpose of further consideration

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 772, entitled:

An Act to amend section four hundred nine of the act, approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended exempting certain non-residents from the provisions of said act regulating equipment on motor vehicles trailers and semi-trailers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisinos of the Constitution, and were as follows, viz:

YEAS—43.

Bean,	Reed,	Lanius,	Rodgers,
Buckman,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Sipe,
DiSilvestro,	Huffman,	Owlett,	Sones,
Ealy,	Jacobs,	Pierson,	Thompson,
Eroe,	Jaspan,	Pytko,	Wolfenden,
Frey,	Kahle,	Rankin,	Woodward,
Gelder,	Kilgallen,	Rice,	

NAYS—2.

Kunkel,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 773, entitled:

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth including information pertaining to civil rights and constitutional guarantees and conferring powers and duties with respect thereto upon the Department of State

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I desire to interrogate the Chairman of the Appropriations Committee.

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Appropriations Committee whether this bill appropriating $17,000.00 was in the Committee on Appropriations.

Mr. RICE. Mr. President, this bill was in the Committee on Appropriations and was reported out at the last meeting of the Committee.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Appropriations Committee the purpose of the appropriation of $17,500.00 when the bill prescribing that the Department of State shall refer matters to the various departments of the Commonwealth.

Mr. RICE. Mr. President, the intention of this bill is to set up a new bureau in the Department of State, which will act as a clearing house for all information for the citizens of Pennsylvania who may have business with the Commonwealth. At the present time anyone seeking information as many of us realize, is chased around to about fourteen different departments, referred from one to the other, before that information is available. This will be one central bureau which will act as a clearing house, and if this bill cannot furnish the information desired by the applicant he will be referred direct to the place so that the information will be available.

Mr. EALY. Mr. President, anyone who reads this bill carefully will see the purpose of it. Over in Germany they have what they call a Minister of Propaganda. This bill, in thinly disguised language, makes the Secretary of State the Minister of Propraganda in Pennsylvania.

And the question recurring.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. OWLETT. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—30

Cavalcante,	Henney,	Law,	Rice,
Dando,	Huffman,	McCreesh,	Rodgers,
Dent,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,		

NAYS—14

Bean,	Heyburn,	Pierson,	Scarlett,
Chapman,	Homsher,	Rupp,	Wolfenden,
Deitrick,	Mallery,	Salus,	Gelder,
Ealy,	Owlett,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for Concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 785, entitled:

An Act authorizing political subdivisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties interest and costs due thereon against claims and accounts due by such political subdivisions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as folows, viz:

YEAS—45

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Huffman,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. THOMPSON. Mr. President, I call up at this time, Senate Bill No. 1105, on third reading, page 25 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill 1105, entitled:

An Act concerning proxies authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. EROE. Mr. President, I call up at this time, Senate Bill No. 871, on third reading, on page 18 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 871, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by conferring on such counties the power to adopt ordinances and resolutions providing for the zoning and regulation of the location height bulk and use of buildings and other structures and of the uses of land and the requirement of building permits in the portions of counties lying outside of cities boroughs and townships of the first class providing for the creation organization powers and duties of county zoning commissions and boards of adjustment imposing duties on the State Planning Board and on State officials departments and agencies and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding immediately after the article heading thereof a new section to read as follows

Section 410 Ordinances and Resolutions The board of commissioners may adopt resolutions and ordinances prescribing the manner in which powers of the county shall be carried out and generally regulating the affairs of the county All such ordinances unless otherwise provided by law shall be published at least once in one newspaper of general circulation in the county. Such ordinance shall not become effective until ten days after the publication aforesaid In any case in which maps plans or drawings of any kind are adopted as part of an ordinance the commmissioners may instead of publishing the same as part of the ordinance refer in publishing the ordinance to the place where such maps plans or drawings are on file and may be examined

The board of county commissioners may also prescribe fines and penalties not exceeding three hundred dollars ($300.00) in any instance for the violation of county ordinances which fines and penalties may be collected by suit brought in the name of the county before any justice of the peace in like manner as debts of like amount may be sued for by existing laws

Section 2 The article heading of article six of said act is hereby amended to read as follows

Article VI

County Planning Commission and Zoning

(a) County Planning Commission

Section 3 Article six of said act is hereby amended by adding at the end thereof a new subdivision and sections to read as follows

(b) County Zoning

Section 50.1 Grant of Power The board of county commissioners of any county is hereby empowered in accordance with the conditions and procedure specified in the subsequent sections of this article by ordinance to regulate in any portion or portions of such county which lie outside of the municipalities now having authority to adopt and enforce zoning ordinances the location height bulk and size of buildings and other structures the percentage of lot which may be occupied the size of yards courts and other open spaces the density and distribution of population the uses of buildings and structures for trade industry residence recreation public activities or other purposes and the uses of land for trade industry residence recreation agriculture water supply conservation soil conservation forestry or other purposes

Section 510.2 Zoning Commission In order to avail itself of the powers conferred by this act the board of county commissioners shall appoint a permanent commission of three five or seven members which shall be known as the county zoning commission

Any individual whether in private or ex-officio capacity may be appointed to serve on such commission and the majority of the members thereof shall be individuals who do not hold elective public office The boards of county commissioners of two or more counties may arrange or provide for a joint or common commission and for the purposes of this act any such joint or common zoning commission shall be deemed the zoning commission of each of such counties The board of county commissioners shall provide for reimbursement of the members of the zoning commission for actual expenses incurred and shall provide for the filling of vacancies in the membership of such commission and for the removal of a member for non-performance of duty or misconduct

In any county where a county planning board has been or shall be established the board of county commissioners may in lieu of establishing a zoning commission as provided in this section confer and impose on such planning board the additional power and duty of serving as the county zoning commission with all the powers and duties conferred by this act upon the county zoning commission

Section 510.3 Assistance from State Agencies Personnel The zoning commission is directed to make use of the expert advice and information which may be furnished by appropriate state and federal officials departments and agencies particularly the Pennsylvania State Planning Board and all state officials departments and agencies having information maps and data pertinent to county zoning are hereby authorized and directed to make the same available for the use of the county zoning commission as well as to furnish such other technical assistance and advice as they may have available for such purpose The zoning commission may employ such trained personnel as the funds provided therefor may permit

Section 510.4 Preparation of Zoning Plan It shall be the duty of the zoning commission of any county to make for certification to the board of county commissioners of such county a zoning plan or plans including both the full text of the zoning ordinance or ordinances and the maps and representing the recommendations of the commission for the regulation by districts or zones of the location height bulk and size of buildings and other structures percentage of lot which may be occupied the size of lots courts and other open spaces the density and distribution of population the location and use of buildings and structurs for trade industry residence recreation public activities or other purposes and the uses of land for trade industry recreation agriculture forestry soil conservation water supply conservation or other purposes

When the efforts of such commission shall have reached the stage of a tentative plan the commission shall hold at least one public hearing on each tentative plan to be separately submitted notice of which hearings shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation in the county The notice shall contain the time and place of hearing and shall specify the place and times at which the tentative text and maps of the zoning ordinance may be examined For the purpose of its public hearing or hearings the commission shall have power to summon witnesses administer oaths and compel the giving of testimony

Before finally adopting and certifying any zoning plan the zoning commission shall submit its tentative plan to the State Planning Board for advice and recommendations The approval of the State Planning Board shall be presumed unless the State Planning Board shall within forty-five days after such submission present its advices and criticisms in respect to such zoning plan

In the event that after such public hearing or hearings and after such submission to the State Planning Board the zoning commission in the light of the developments at such hearing or hearings or the advices and recommendations of the State Planning Board makes changes in its said tentative plan there shall be no requirement of any hearing upon such changes or any submission of such changes to the State Planning Board

Section 510.5 Zoning Ordinance From and after the time when a zoning commission of any county in accordance with the procedure specified in the next preceding

section of this article makes adopts and certifies to the board of county commissioners of its county each zoning plan including both the full text of a zoning ordinance and the maps then the board of county commissioners may by ordinance exercise the powers granted to it in section five hundred ten and one-tenth of this act and for the purpose of such exercise the board of county commissioners may divide the territory of the county which lies outside of municipalities which now have authority to adopt and enforce zoning ordinances into districts or zones of such number shape or area as it may determine and within such districts or any of them may regulate the erection construction reconstruction alteration and uses of buildings and structure and the uses of land and may require and provide for the issuance of building permits as a condition precedent to the right to erect construct reconstruct or alter any building or structure within any district covered by such zoning ordinance All such regulations shall be uniform for each class or kind of buildings throughout any district but the regulations in one district may differ from those in other districts

Section 510.6 Method of Procedure After receiving the certification of a zone plan from the zoning commission and before the enactment of any zoning ordinance the board of county commissioners shall hold a public hearing thereon of the time and place of which at least thirty days' notice shall be given by one publication in a newspaper of general circulation in the county Such notice shall state the place at which the text and maps as certified by the zoning commission may be examined The board may conduct consultative hearings or referenda to aid it in determining the desirability of contemplated or recommended regulations No change in or departure from the text or maps as certified by the zoning commission shall be made unless such change or departure shall first be submitted to the zoning commission for its approval or disapproval or suggestions The zoning commission shall have thirty days from and after such submission within which to send its report to the board of county commissioners Provided however That no approval disapproval or suggestions of the zoning commission shall have more than advisory effect or shall in anywise bind the board of county commissioners

Section 510.7 Purposes of Zoning Regulations Such regulations shall be designated and enacted for the purpose of promoting the health safety morals convenience order prosperity or welfare of the present and future inhabitants of the State of Pennsylvania including amongst other things the lessening of congestion in the streets or roads or reducing the wastes of excessive amounts of roads securing safety from fire and other dangers providing adequate light and air preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation water flowage water supply drainage sanitation educatiional apportunities recreation soil fertility food supply protection of the tax base securing economy in governmental expenditures fostering the state's agricultural and other industries and the protection of both urban and non-urban development

Section 510.8 Amendments The board of county commissioners may from time to time amend the number shape boundary or area of any district or districts or any regulation of or within such district or districts or any other provision of any zoning ordinance but no such amendment shall be made or become effective until the same shall have been proposed by or be first submitted for approval disapproval or suggestions to the zoning commission and the Pennsylvania State Planning Board Any proposal approval disapproval or suggestions of the zoning commission or the State Planning Board shall have advisory effect only and not be binding upon the board of county commissioners and unless such zoning commission or State Planning Board shall have transmitted its report upon the proposed amendment within thirty days after the submission thereof to it the board of county commmissioners shall be free to proceed to the adoption of the amendment without further awaiting the receipt of the report of the zoning commission or State Planning Board Before finally adopting any such amendment the board of county commissioners shall hold a public hearing thereon at least thirty days notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county

Section 510.9 Cooperation Between Counties The zoning commission of any county may cooperate with the zoning commissions of other counties and with the planning zoning legislative and administrative authorities of cities boroughs first-class townships or other municipalities either within or without such county with a view to coordinating and integrating the zoning of the county with the planning and zoning of other counties or of municipalities The zoing commission shall also have power to appoint such committee or committees and adopt such rules for the conduct of its business as it may deem proper to effect such cooperation or to more expeditiously and effectively perform its functions

Section 510.10 The Board of Adjustment The board of county commissioners of any county which enacts zoning regulations under the authority of this act shall provide for a board of adjustment of three to five members and for the manner of the appointment of such members Not more than half of the members of such board may at any time be members of the zoning commission The board of county commissioners shall fix per diem compensation and terms for the members of such board of adjustment which terms shall be of such length and so arranged that the term of at least one member will expire each year Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments The board of county commissioners may appoint associate members of such board and in the event that any regular member be temporarily unable to act owing to absence from the county illness interest in a case before the board or any other cause his place may be taken during such temporary disability by an associate member designated for the purpose The boards of county commissioners of two or more counties may arrange and provide for a joint or common board of adjustment of four or five members which joint or common board of adjustment shall be deemed the board of adjustment of each of such counties

The board of county commissioners shall provide and specify in its zoning or other ordinances general rules to govern the organization procedure and jurisdiction of said board of adjustment which rules shall not be inconsistent with the provisions of this act and the board of adjustment may adopt supplemental rules of procedure not inconsistent with this act or such general rules

Any zoning ordinance of the board of county commissioners may provide that the board of adjustment may in appropriate cases and subject to appropriate principles standards rules conditions and safeguards set forth in the zoning ordinance make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent The commissioners may also authorize the board of adjustment to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they may arise in the administration of the zoning regulations.

Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses All meetings of the board of adjustment shall be open to the public The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record

Section 510.11 Appeals to the Board of Adjustment Appeals to the board of adjustment may be taken by any person aggrieved by his inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning ordinance Appeals to the board of adjustment may be taken by any officer department board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning ordinance The time within which such appeal must be made and the form or other procedure relating thereto shall be as specified in the general rules provided by the board of county commissioners to govern the procedure of such board of adjustment or in the supplemental rules of procedure adopted by such board

Upon appeals the board of adjustment shall have the following powers

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order requirement decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance

(2) To hear and decide in accordance with the provisions of any such ordinance requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass

(3) Where by reason of exceptional narrowness shallowness or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property the strict application of any regulation enacted under this act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property to authorize upon an appeal relating to said property a variance from such strict application so as to relieve such difficulties or hardship provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances

The concurring vote of four members of the board in the case of a five-member board and of three members in the case of a three-member board shall be necessary to reverse any order requirement decision or determination of any such administrative official or agency or to decide in favor of the appellant

Section 510.12 Court Review Any persons jointly or severally aggrieved by any decision of the board of adjustment or any taxpayer or any officer department board or bureau of the county may present to the court of common pleas of the county in which the property concerning which such decision was made is located a petition duly verified setting forth that such decision is illegal in whole or in part specifying the grounds of the illegality Such a petition shall be presented to the court within thirty days after the filing of the decision in the office of the board Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney which shall not be less than ten days and may be extended by the court The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may on application on notice to the board and on due cause shown grant a restraining order The board of adjustment shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made The court may reverse or affirm wholly or partly or may modify the decision brought up for review

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings

Section 510.13 Violations Enforcement and Remedies It shall be unlawful to erect construct reconstruct alter maintain or use any building or structure or to use any land in violation of any regulation in or of any provision of any zoning ordinance or any amendment thereof enacted or adopted by any board of county commissioners under the authority of this act Any person firm or corporation violating any such regulation provision or amendment or any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than ten days or both Each and every day during which such illegal erection construction reconstruction alteration maintenance or use continues shall be deemed a separate offense In case any building or structure is or is proposed to be erected constructed reconstructed altered maintained or used or any land is or is proposed to be used in violation of this act or of any regulation or provision of any ordinance or amendment thereof enacted or adopted by any board of county commissioners under the authority granted by this act such board the district attorney of the county or any owner of real estate within the district in which such building structure or land is situated may in addition to other remedies provided by law institute injunction mandamus abatement or any other appropriate action or actions proceeding or proceedings to prevent enjoin abate or remove such unlawful erection construction reconstruction alteration maintenance or use

Section 510.14 Non-Conforming Uses The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of a zoning ordinance or in the case of an amendment of an ordinance then at the time of such amendment may except as hereinafter provided be continued although such use does not conform with the provisions of such ordinance or amendment and such use may be extended throughout the same building provided no structural alteration of such building is proposed or made for the purpose of such extension The board of county commissioners may provide in any zoning ordinance for the restoration reconstruction extension or substitution of non-conforming uses upon such terms and conditions as may be set forth in the zoning ordinance The board of county commissioners may in any zoning ordinance provide for the termination of non-conforming uses either by specifying the period or periods in which non-conforming uses shall be required to cease or by providing a formula or formulae whereby the compulsory termination of a non-conforming use may be so fixed as to allow for the recovery or amortization of the investment in the non-conformance

If any county acquire title to any property by reason of tax delinquency and such property be not redeemed as provided by law the future use of such property shall be in conformity with the then provisions of the zoning ordinance of the county or with any amendment of such ordinance equally applicable to other like properties within the district in which the property acquired by the county is located

Section 510.15 List of Non-Conforming Uses Immediately after the adoption of any zoning ordinance or amendment by the board of county commissioners the county zoning commission shall prepare and publish a complete list of all non-conforming uses and occupations

existing at the time of the adoption of such ordinance or amendment Such list shall contain the names and addresses of the owner or owners of such non-conforming use and of any occupant other than the owner the legal description or descriptions of the land and the nature and extent of land use After any necessary corrections have been made under a procedure prescribed by the board of county commisioners copies of such list shall when approved by such body be filed for record in the offices of the recorder of deeds and of the chief clerk in the county in which the lands are situated and shall be corrected yearly as the board of county commissioners may prescribe

Section 510.16 Filing Upon the adoption of any zoning ordinance or regulation map or maps the board of county commissioners may file the originals with the chief clerk and a certified copy of each in the office of the county recorder of deeds which copies shall be accessible to the public The recorder of deeds shall index such ordinances and regulations as nearly as possible in the same manner as he indexes instruments pertaining to the title of land

Section 510.17 Finances The board of county commissioners is empowered to appropriate out of the general county fund such moneys otherwise unappropriated as it may deem fit to finance the work of the county zoning commission and of the board of adjustment and to enforce the zoning regulations and restrictions which are adopted and to accept grants of money and service for these purposes and other purposes in accordance with this act from either private or public sources state or federal

Section 510.18 Conflict with Other Laws Whenever any regulations made under authority of this act require a greater width or size of yards courts or other open spaces or require a lower height of buildings or smaller number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in or under any other statute the provisions of the regulations made under authority of this act shall govern Whenever the provisions of any other statute require a greater width or size of yards courts or other open spaces or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by any regulations made under authority of this act the provisions of such statute shall govern

Section 510.19 Act not to Apply to Certain Buildings of Public Utility Corporations This act shall not apply to any existing or proposed building or extension thereof used or to be used by public utility corporations if upon petition of the corporation the Pennsylvania Public Utility Commission shall after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public

Section 510.20 Definitions The words "amend" "amendment" "amendments" or "amended" in this act shall be deemed to include any modification of the text or phraseology of any provision of any zoning ordinance or amendment thereof or any repeal or elimination of any such provision or part thereof or any addition to the ordinance or to an amendment thereof and shall also be deemed to include any change in the number shape boundary or area of any district or districts any repeal or abolition of any map forming part of or referred to in any zoning ordinance or any part of such map any addition to such map any new map or maps or any other change in the maps or any map

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EROE. Mr. President, I move to reconsider the vote by which the bill passed second reading.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recuring.

Will the Senate agree to the bill on second reading?

Mr. EROE. Mr. President, I move to reconsider the vote by which the title of the bill was agreed to.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the title?

Mr. EROE. Mr. President, I move to reconsider the vote by which Section 3 (Section 50.1) was agreed to.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the section?

Mr. EROE. Mr. President, I move to amend Sec. 3 (Sec. 50.1) page 3, line 15 by striking out the figures 50.1 and inserting in lieu thereof: 510.1.

Amend sec. 3 (sec. 50.1) page 3, lines 19 and 20 by striking out the words "the municipalities now having authority to adopt and enforce zoning ordinances" and inserting in lieu thereof: cities, boroughs and townships of the first class.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read and agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. MUNDY. Mr. President, I call up at this time Senate Bill No. 944, on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 944, entitled:

An Act to further amend section eleven of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by exempting certain organizations from the provisions of said act

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MUNDY. Mr. President, I ask unanimous consent to amend as follows:

Section 1, Line 12, Page 2, by inserting after the word "Commonwealth" the following: "or whose property is exempt from taxation as an institution of learning, benevolence, or charity"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON SECOND READING

Mr. RICE. Mr. President, I move that the remaining bills on third reading go over in their order, and that we proceed to the second reading Calendar.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

Mr. PYTKO. Mr. President, I call up at this time Senate Bill No. 748 on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 748, as follows:

An Act To amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that sections 541 to 551 inclusive are repealed and two new sections to be known as sections five hundred and forty one (541) five hundred and forty two A (542A) and five hundred and forty two B(542B) are added establishing one or more fire rating bureaus subject to supervision and to examination by the Insurance Commissioner and requiring the filing by insurers of a sworn report of premium and loss experience with the Insurance Commissioner

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" are hereby repealed and two new sections are added to read as follows

(d) Fire Insurance Rates and Rating Bureaus

Section 541 Classification of Risks Underwriting Rules Premium Rates and Schedule and Merit Rating Plans The classification of risks underwriting rules premium rates and schedule or merit rating plans for insurance against the risk of loss or damage by fire lightning or windstorm to property located within this Commonwealth shall be established by one or more rating bureaus situate within this Commonwealth subject to supervision and to examination by the Insurance Commissioner and approved by him as being adequately equipped to compile rates on an equitable and impartial basis Such schedule or merit rating plans shall be applied only by the approved rating bureau or bureaus

No risks classification underwriting rule premium rate or schedule or merit rating plan shall take effect without the consent and approval of the Insurance Commissioner and he may withdraw his approval whenever he deems any one of them as inadequate or discriminates unfairly between risks of essentially the same hazard

No insurer shall issue renew or carry any policy or contract of insurance against the risk of loss or damage by fire lightning or windstorm to property located in this Commonwealth except in accordance with the classifications underwriting rules premium rates and schedule or merit rating promulgated by the rating bureau or bureaus hereinbefore provided in this section for the risk insured and approved by the Insurance Commissioner for each insurer

A complete copy of every policy or a true copy of the substantive provisions of any policy of insurance against the risk of loss or damage by fire lightning or windstorm to property located in this Commonwealth and a true copy of every endorsement upon any such policy and of every agreement appertaining thereto shall be filed with such rating bureau or bureaus within a reasonable time after the effective date of any such policy endorsement contract or agreement

A complete record of every claim presented and every loss sustained by any insurer under any such policy endorsement contract or agreement shall be filed with such bureau or bureaus in such detail and on such form as the Insurance Commissioner may prescribe

Section 542 Annual Report of Premium and Loss Experience Penalties (A) Every insurer issuing renewing or carrying any policy endorsement contract or agreement appertaining to insurance against the risk of loss or damage by fire lightning or windstorm to property located in this Commonwealth shall annually on or before the thirtieth day of June file with the Insurance Commissioner a sworn report of its premium and loss experience in such detail and on such form as may be prescribed by the Insurance Commissioner Any insurer which neglects to make and file such statement on the form or within the time herein provided shall forfeit one hundred dollars for each day during which such neglect continues and upon notice by the Insurance Commissioner its authority to do business shall cease while such default continues

(B) The Insurance Commissioner shall have the power to suspend or revoke the license of any insurer which violates any of the provisions of subdivision (d) of this article

Nothing contained in this section or in section five hundred and forty-one of this act shall be construed as applying to assessment mutual fire storm and live-stock insurance companies or to associations and exchanges

And said bill having been at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 748 the bill just read

be recommitted to the Committee on Insurance for the purpose of a public hearing.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

Mr. CAVALCANTE. Mr. President, I call up at this time Senate Bill No. 1130, on second reading,

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1130, as follows:

An Act To further amend the act approved the fifteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 534) entitled "An act relating to motion-picture films reels or stereopticon views or slides providing a system of examination approval and regulation thereof and of the banners posters and other like advertising matter used in connection therewith creating the Board of Censors and providing penalties for the violation of the act by prohibiting the possession of motion picture films reels or views not approved requiring permits in certain cases and increasing penalties

Section 1 Be it enacted by the Senate and House of Re-

presentatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the fifteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 534) entitled "An act relating to motion-picture films reels or stereoptican views or slides providing a system of examination approval and regulation thereof and of the banners posters and other like advertising matter used in connection therewith creating the Board of Censors and providing penalties for the violation of the act" is hereby amended to read as follows

USE OF FILMS REELS OR VIEWS PROHIBITED

Section 2 It shall be unlawful to sell lease lend exhibit [or] use or possess any motion-picture film reel or view in Pennsylvania unless the said film reel or view has been submitted by the exchange owner or lessee of the film reel or view and duly approved by the Pennsylvania State Board of Censors hereinafter in this act called the board

Section 2 Section six of said act as amended by section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1635) is hereby further amended to read as follows

APPROVALS BY BOARD

Section 6 The board shall examine or supervise the examinations of all films reels or views to be exhibited or used in Pennsylvania and shall approve such films reels or views which are moral and proper and shall disapprove such as are sacrilegious obscene indecent inhuman or immoral or against the public good or such as tend in the judgment of the board to debase or corrupt morals or incite to crime

Every person association copartnership or corporation intending to exhibit or use any film reel or view alleged to depict news or to be of a purely educational charitable or religious nature shall apply to the board for a permit at least five days before the intended use or exhibition Said application shall contain a description of the film reel or view and a statement as to the time and place of the intended showing or exhibition Upon approval of the application the board shall issue a permit for every such film reel or view coming within the aforesaid classification without payment of any fee The board may in its descretion require an examination of the said film reel or view before issuing a permit therefor

Any permit issued as provided herein may be revoked at any time upon a finding by the board that the said film reel or view does not come within the aforesaid classification Thereafter any such film reel or view may be submitted to the board only in the manner provided in this act

[This section shall not apply to anncuncement or advertising slides or to films or reels containing current news events or happenings commonly known as news reels which are not in violation of the provisions of this section]

Section 3 Sections twenty twenty-seven and twenty-eight of said act are hereby amended to read as follows

REGULATIONS OF EXHIBITIONS

Section 20 Any member or employe of the board may enter any place where films reels or views are exhibited or kept and such member or employe is herby empowered and authorized to prevent the display or exhibition of any film reel or view which has not been duly approved by the board

PENALTIES

Section 27 Any person who violates any of the provisions of this act and is convicted thereof summarily before any alderman magistrate or justice of the peace shall be sentenced to pay a fine of not less than [twenty-five] fifty dollars nor more than [fifty] one hundred dollars for the first offense For any subsequent offense the fine shall be not less than [fifty] one hundred dollars nor more than [one] two hundred dollars In default of payment of a fine and costs the defendant shall be sentenced to imprisonment in the prison of the county where such offense was committed for not less than ten days and not more than thirty days All fines shall be paid by the alderman magistrate or justice of the peace to the board and by it paid into the State Treasury

Section 28 If any person shall fail to display or exhibit on the screen the approval seal as issued by the board of a film reel or view which has been approved and is convicted summarily before any alderman magistrate or justice of the peace he shall be sentenced to pay a fine of not less than [five] ter dollars and not more than [ten] twenty-five dollars in default of payment of a fine and costs the defendant shall be sentenced to imprisonment in the prison of the county where such offense was committed for not less than [two] five days and not more than [five] ten days

Section 4 Section twenty-nine of said act is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. THOMPSON. Mr. President, I call up at this time Senate Bill 566, on second reading, postponed.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 566, entitled:

An Act relating to the collection of taxes in boroughs towns and townships providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies imposing the cost of collecting delinquent taxes on delinquent taxables and requiring taxing districts to allow credit for uncollectible per capita poll and occupation taxes

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That prior to the election of each borough town or township tax collector or first class township treasurer his compensation shall be fixed as now provided by law by the tax levying authorities of the respective taxing districts for which he is to act as tax collector In the event that such compensation is not fixed before his election he shall receive the same compensation as was received by his predecessor in office Provided however That in no case shall any borough town or township tax collector or first class township treasurer receive any compensation from any one tax levying district for his services as such officer in any one year greater than the sum of two thousand five hundred dollars or greater than a sum equal to five per cent of the taxes received or collected by him on any duplicate for that year if that sum shall be less than twenty-five hundred dollars

In addition to such compensation each taxing district shall pay all expenses necessarily and reasonably incurred by the tax collector or first class township treasurer in connection with the collection of its taxes

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend sec. 1, page 1, by striking out all of lines 4, 5, 6 and 7

Amend bill, page 2, by striking out all of lines 1 to 29 inclusive

Amend bill, page 3, by striking out all of lines 1 to 28 inclusive

Amend bill, page 4, by striking out all of lines 1 to 6 inclusive, and inserting in lieu thereof:

(a) In each borough, incorporated town and township, the tax collector or township treasurer shall, before entering upon the duties of his office, give lawful fidelity bond to the Commonwealth, with two or more sufficient sureties, or with a surety company authorized by law to act as surety in this Commonwealth, conditioned that as tax

collector of county, borough, town, township, school and poor taxes, he shall account for and pay over to the taxing unit entitled thereto, all moneys received and collected by him as taxes, penalties and interest. Any such tax collector or township treasurer and his sureties shall be discharged from further liability on any bond as tax collector, as soon as all tax items contained in the duplicates delivered to him are either: (1) collected and paid over, or (2) certified to the taxing body for entry as liens in the office of the prothonotary as provided by law, or (3) returned to the county commisioners for sale by the county treasurer as provided by law, or (4) in case of occupation, poll and per capita taxes, a record of those which remain uncollected is filed with the taxing authority. Any surety on the bond of any tax collector or township treasurer shall have authority to perform, for and in behalf of the tax collector or township treasurer, any of the acts herein required to be performed in order to discharge any tax collector or township treasurer from futher liability on his bond as tax collector. Any tax collector or his surety upon the performance for any year of the acts herein required to be performed in order to be discharged from liability on the bond, shall be discharged from such liability for such year.

(b) The tax collector of boroughs, incorporated towns, townships of the second class, shall be required to give but one bond which shall include his duties as collector of county borough, town, township, school and poor taxes. The township treasurer of townships of the first class shall be required to give but one bond, which shall include his duties as township treasurer and as tax collector of county, township, school and poor taxes. In addition to the condition hereinbefore prescribed in the bond of the treasurer of a township of the first class as tax collector, such bond shall contain an additional condition that as township treasurer he shall account for and pay over all moneys received by him in his capacity as township treasurer, and safely keep and pay over all public moneys entrusted to his care.

(c) The bond given by the tax collector or township treasurer shall cover his full term of office and shall be for the use of the county, borough, town, township, school district and poor district, and shall be filed with the county commissioners, except in the case of townshipp treasurers of townships of the first class, in which cases it shall be filed with the township commissioners.

(d) Where a bond with a surety company as surety is filed, the premium on the bond shall be paid in equal proportions by the taxing authorities other than poor districts.

(e) The penal sum in the bond of a tax collector shall be fixed by a committee consisting of one representative from each taxing authority other than poor districts, which committee shall also approve the sufficiency of the surety on any bond.

The second section of the bill was read as follows:

Section 2 Any such tax collector or first class township treasurer may appoint one or more suitable deputies to assist him in the execution of his warrant The tax collector or first class township treasurer shall fix and pay the compensation of such deputies out of his own salary or commissions Provided however That whenever a majority of all of the members of the combined tax levying authorities of all of the taxing districts deem it necessary that additional deputies be employed they may authorize the tax collector or first class township treasurer to employ such number of deputies as they deem necessary and fix their compensation which shall be paid by the respective taxing districts in the proportion that the amount of the duplicate of each bears to the total amount of all duplicates in the hands of the tax collector of first class township treasurer.

The tax collector or first class township treasurer shall be responsible for and account for all tax moneys and penalties collected by all deputies.

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, move to amend Section 2 The compensation of all tax collectors and township treasurers for the collection of taxes shall be fixed by the several taxing authorities as now provided by law not later than July first of any year in which a tax collector or township treasurer is elected. But the commisions for the collection of taxes shall not in any taxing district exceed the following, based on the amount of tax, penalties and interest collected:

5% on the first	$10,000
4% on the next	10,000
3% on the next	10,000
2% on the next	20,000
1% on the remainder	

Not later than August first of any year in which a tax collector or township treasurer is to be elected, one representative from each taxing unit affected shall meet at the county seat at a place to be fixed by the county commissioners in order to ascertain the amounts which any tax collector would receive in commissions if eighty-five per centum of the total amount of tax assessed in all the duplicates delivered during the current year to the tax collector or township treasurer had been collected by him. If it shall be ascertained that the combined commissions so determined would for any borough, town or second class township collector, exceed the sum of three thousand dollars on the combined duplicates for one year, then such collector shall be paid a salary in lieu of commissions which salary shall be three thousand dollars per year for the term of his office; if it shall be ascertained that the combined commissions so determined would, for any first class township treasurer, exceed the sum of six thousand dollars in any year, then the salary of the township treasurer as tax collector shall be six thousand dollars per year for the term of his office: Provided, however, That in any township of the first class where the total taxes assessed in all the duplicates delivered to him during the current year exceed two million dollars, the salary of the township treasurer shall be seven thousand five hundred dollars per year for the term of his office.

Where a salary is so fixed for a tax collector or township treasurer, the same shall be paid in equal proportions by the several taxing units other than poor districts.

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 After exhausting all remedies provided by law for the enforcement of the payment of per capita poll or occupation taxes the tax collector or first class township treasurer shall prepare a list of all such taxes remaining unpaid and return such list together with the oath of the tax collector or first class township treasurer that he is unable to collect such taxes to the respective taxing districts The tax levying authorities of such districts shall thereupon allow the tax collector or first class township treasurer credit for the amount of all such tax items on the final settlement of the tax duplicate

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend

Section 3. In any borough, town or township, where the tax collector or township treasurer is to be paid an annual salary, the representatives other than the representative from a poor district, meeting at the county seat as hereinbefore provided, shall determine whether the tax collector or township treasurer is entitled to have the assistance of deputies and clerks in the performance of his duties as tax collector. If it shall be determined he is so entitled to assistance, said representatives shall fix the number and compensation of the deputies and clerks, which said collector or treasurer shall be allowed to appoint. The compensation of such deputies and clerks

shall be paid in equal proportions by the several taxing units other than poor districts. The taxing units other than poor districts shall, in equal proportions, pay the premiums on any bonds which the tax collector or township treasurer may require his deputies and clerks to give for the faithful performance of their duties.

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows:

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Section 4. The taxing authorities other than poor districts shall, in equal proportions, pay—(a) the cost of printing notices and postage; and (b) in the case of tax collectors and township treasurers paid on a salary basis as hereinbefore provided, shall also pay the cost of stationary, office equipment, telephone services, rent, light and heat, and incidental expenses necessarily incurred in the conduct of the tax collector's office, which expenses shall be determined by a board consisting of one representative to be appointed by each taxing authority other than poor districts.

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section of the bill was read as follows:

Section 5 The provisions of this act shall become effective immediately upon its final enactment but shall not apply to any tax collector or township treasurer now in office

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Section 5. Upon the expiration of the term of any tax collector or township treasurer who is paid a salary for the collection of taxes, in case any of the taxes which he was empowered to collect remain unpaid, he shall turn over the unpaid or delinquent taxes to his successor in office, who shall have power to collect the same in the same manner as in the case of the tax collector or township treasurer to whom the warrants were first issued. Before such duplicates are surrendered to a successor in office, the tax accounts of the outgoing tax collector or treasurer shall be adjusted and balanced to the satisfaction of the incoming tax collector or township treasurer and the respective taxing authorities before any release of the bond of the outgoing tax collector or township treasurer shall be given.

Mr. KUNKEL. Mr. President I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Mr. THOMPSON. Mr. President, I move to amend by adding the following new sections.

Section 6. This act shall not be construed to repeal any local or special law providing for the collection of taxes by county treasurers.

Section 7. All acts and parts of acts inconsistent with this act are hereby repealed.

Section 8. This act shall become effective immediately upon final enactment, but shall not apply to tax collectors and township treasurers in office on the date said act becomes effective.

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title section of the bill was read as follows:

An Act relating to the collection of taxes in boroughs towns and townships providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies imposing the cost of collecting delinquent taxes on delinquent taxables and requiring taxing districts to allow credit for uncollectible per capita poll and occupation taxes.

On the question,

Will the Senate agree to the section?

Mr. THOMPSON, I move to amend title, page 1, by striking out all of lines 1 to 8 inclusive, and inserting in lieu thereof: "Relating to the collection of county, borough, town, township, school and poor taxes in boroughs, towns and townships; providing for the fixing of the compensation or salary of tax collectors and township treasurers acting as tax collectors; imposing certain costs and expenses, including premiums, on bonds and the compensation of certain deputies and clerks on taxing districts; providing for a joint fidelity bond for all tax collectors and township treasurers; and providing for the delivery of duplicates to successors in office in certain cases."

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. DENT. Mr. President, I call up at this time Senate Bill No. 1138, on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1138, as follows:

An Act prohibiting the sale transfer purchase ownership possession and use of tear and noxious gas and tear gas guns providing certain exemptions and providing penalties.

The first and second sections of the bill were read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "tear or noxious gas" as used in this act shall mean any liquid or gaseous substance that when dispersed in the atmosphere blinds the eyes with tears or irritates injures other organs and tissues of the human body a "tear gas gun" as used in this act shall mean any gun instrument or device used to discharge tear or noxious gas

Section 2 It shall be unlawful for any person partnership association or corporation to sell give or transfer any tear or noxious gas or any tear gas gun to any person association or corporation within this Commonwealth and it shall be unlawful for any person association of corporation to purchase own or have in possession in any place or use within this Commonwealth any tear or noxious gas or any tear gas gun save as provided hereinafter

The third section of the bill was read as follows:

Section 3 Nothing contained in this act shall prohibit

(a) The importation manufacture or possession of tear or noxious gas or tear gas guns for sale within the Commonwealth as herein permitted or outside the Commonwealth

(b) The sale of tear or noxious gas or tear gas guns to the United States of the Commonwealth of Pennsylvania or any political subdivision thereof or to any bank bank and trust company or trust company for use in this Commonwealth or to any association or corporation lawfully engaged solely in the conveyance of money securities or valuables

(c) The purchase or possession in this Commonwealth of tear or noxious gas or tear gas guns by the United States or the Commonwealth of Pennsylvania or any political subdivision thereof or any bank bank and trust company or trust company or any person association or corporation lawfully engaged solely in the conveyance of money securities or valuables Provided however That no tear or noxious gas or tear gas guns shall be stored on any premises in the Commonwealth not under the exclusive control of the aforementioned governments agencies or institutions

(d) The manufacture purchase or possession of tear gas for scientific or medical purposes or uses

On the question,

Will the Senate agree to the section?

Mr. DENT, Mr. President, I move to amend page 2, line 14, by striking out after the word "solely" and before the word "conveyance" the words "in the" and insert in lieu thereof the following: or in the regular

Mr. LAW, Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth and sixth sections of the bill were read as follows and agreed to.

Section 4 It shall be lawful for any sheriff constable or other officer of justice with or without warrant to seize upon secure and remove any tear or noxious gas or tear gas guns unlawfully sold or transferred or owned or possessed or used It shall be the duty of such sheriff constable or other officer to make return in writing to the next court of quarter sessions of the proper county setting forth the nature and description of the materials seized and the time and place and circumstances under which such seizure was made and the said court upon hearing the parties if they should appear if satisfied that such tear or noxious gas or tear gas guns were unlawfully possessed or dealt with as aforesaid shall adjudge same forfeited and order the same to be publicly destroyed and at the same time order such reasonable costs and charges to the seizing officer as shall be deemed adequate and just to be paid by the owner or possessor of such tear or noxious gas or tear gas guns

Section 5 Any person violating any of the provisions herein shall be guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars ($5000.00) or undergo imprisonment at separate and solitary confinement at labor not exceeding five (5) years or both at the discretion of the court

Section 6 This act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act Prohibiting the sale transfer purchase ownership possession and use of tear and noxious gas and tear gas guns providing certain exemptions and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. RUTH. Mr. President, I call up at this time Senate Bill 1133, on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1133, as follows:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publicaiton of sale notices and validate the sale thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all proceedings and elections heretofore had and held by any county city borough township school district or other municipality or incorporated district within this Commonwealth to increase its indebtedness under the method of procedure specified by the provisions of an act of Assembly entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) and the acts amendatory thereof and supplementary thereto where the majority of votes cast at such election was in favor of the increase of indebtedness be and the same are hereby ratified confirmed and made valid Notwithstanding that any ordinance in connection with the holding of such election or the issuing of said bonds was not advertised for the period required by law before the same became effective and notwithstanding such election was held within ninety days after the general election notwithstanding the date of the ordinance or vote deciding such increase was within ninety days after a general election and notwithstanding any defect or informality in the manner of holding mode of conducting or giving notice of such election or in form of the ballot and notwithstanding that the polls at such election were not open a full twelve hours as provided by law and notwithstanding any patent error or orthography or of numerical statement on any or all of the ballots

All of the bonds securities and obligations issued or to be issued in pursuance of every such election are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district and also in case any municipal bonds have been sold by a municipality and the publication of notices of the sale have been defective all such bonds securities and obligations sold under defective publication of the notices of such sale are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district Provided That all the other requirements of law concerning such procedure election and issue of bonds have been complied with

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. LAW. Mr. President, I call up at this time Senate Bill 314, on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 314, as follows:

An Act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Subject to the approval of the Interstate Commerce Commission in any case as to which that commission has jurisdiction and in all other cases subject to the approval of the Public Service Commission of the Commonwealth of Pennsylvania it shall [and may] be lawful for any railroad company or corporation organized under the laws of this Commonwealth or of this Commonwealth and any other state or states and owning or operating a railroad either in whole within or partly within and partly without this state under authority of this and any [adjoining] other state or states to [merge and] consolidate its capital stock franchises and property with the capital stock franchises and property of any other railroad company or companies or corporations organized [and operated] under the laws of this [or any other state] Commowealth or of this Commonwealth and any other state or states or under the laws of any other state or states or to merge or to be merged into any such other railroad company or corporatin whenever the two or more railroads of the companies or corporations so to be consolidated or merged shall or may for a continuous line of railroad with each other or by means of any intervening railroad Provided That railroads terminating on the banks of any river which are or may be connected by ferry or otherwise shall be deemed continuous under this act And provided further That nothing in this act contained shall be taken to authorize the consolidation or merger of any company or poration of this Commonwealth with [that] any company or corporation of any other state whose laws shall not also authorize the [like] consolidation or merger nor to authorize any company or corporation organized under the laws of this Commonwealth or of this Commonwealth and any other state or states to be merged into any other company or corporation that is not so organized

Section 2 [Said] Such consolidation or merger shall be made under the conditions provisions restrictions and with the powers hereafter in this act mentioned and contained that is to say

First The directors of the several corporations proposing to consolidate or merge may enter into a joint agreement under the corporate seal of each [company] corporation for the consolidation or merger of said [companies and railroads] corporations and prescribing the terms and conditions thereof the mode of carrying the same into effect the name of the new corporation in the case of a consolidation or of the corporation that is to survive in the case of a merger the number and names of the directors and other officers thereof and in case of a consolidation who shall be the first directors and officers of the new corporation and their places of residence [the] [number of shares of the capital stock the amount or par value of each share] and either the amount of the authorized capital stock of the new or surviving corporation and the number and par value of the shares of which it is to consist or if the new or surviving corporation is to issue shares without par value or shares of more than one class the following statements so far as applicable

(a) The number of shares with nominal or par value and the number of shares without nominal or par value that may be issued by the corporation and the classes if any into which such shares are divided

(b) The nominal or par value of shares of stock other than shares which it is stated are to have no nominal or par value

(c) The amount of capital with which the corporation will begin business

(d) If there are to be shares of more than one class the designations terms relative rights privileges limitations preferences and voting powers or prohibitions restrictions or qualifications of the voting and other rights and powers of the shares of each class and the manner of converting [the] into capital stock [of each of said companies into that] of the new or surviving corporation or of otherwise disposing of the capital stock of each corporation the capital stock of which is to be so converted or disposed of and how and when directors and officers shall be chosen with such other details as they shall deem necessary to perfect such [new organization and the] such consolidation or merger [of said companies or railroads] including if desired provisions prescribing the consideration for which such new or surviving corporation may issue and sell its shares without nominal or par value or authorizing the board of directors to prescribe such consideration from time to time Provided however That in case of a merger it shall not be necessary for such a joint agreement to contain the provisions above specified with regard to the directors and officers capital and capital stock of the surviving corporation unless and then only to the extent that changes in respect to such matters are to be made by such merger agreement

Second Said joint agreement shall be submitted to the stockholders of each of the said [companies or] corporations at a meeting thereof called separately for the purpose of taking the same into consideration [due] Due notice of the time and place of holding each such meeting and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names the capital stock of said [companies] corporations stands on the books thereof and delivered to such persons respectively or sent to them by mail [when]if their post office address is known to the [company] corporation at least thirty days before the time of holding such meeting and also by a general notice published at least thirty days before the time of holding such meeting in some news-

paper in the city two or county where such [company] corporation has its principal office or place of business and at the said meeting of stockholders the agreement of the said directors shall be considered and a vote by ballot taken for the adoption or rejection of the same each share entitling the holder thereof to one vote except as may be otherwise provided in the certificate of incorporation or articles of consolidation or merger under which such corporation was formed and said ballot [shall] may be cast in person or by proxy and if the votes of the holders of outstanding shares of stock of such corporation representing at least-two-thirds (or such greater proportion as said certificate of incorporation or articles of consolidation or merger may require) of the voting power of all the [votes of all the stockholders] stock of such corporation entitled to vote thereon shall be for the adoption of said agreement then that fact shall be certified thereon by the secretary or assistant secretary of the respective [companies] corporations under the seal thereof and the agreement so adopted or a certified copy thereof shall be filed in the office of the Secretary of the Commonwealth and shall [from thence] thenceforth be deemed and taken to be the agreement [and act] of consolidation or merger of the said [companies corporations and a copy of said agreement] [and act] of consolidation or merger duly certified by the Secretary of the Commonwealth under the seal thereof shall be evidence of the existence of [said] the new corporation formed thereby or of the continued existence of the surviving corporation as the case may be

Section 3 Upon the making and perfecting of the agreement [and act] of consolidation or merger as provided in the preceding section and the filing of the same or a copy with the Secretary of the Commonwealth as aforesaid the several corporations parties thereto shall be deemed and taken to be one corporation by the name provided in said agreement [and act] possessing within this Commonwealth all the rights privileges and franchises and subject to all the restrictions disabilities and duties of each of such corporations so consolidated or merged

Section 4 Upon the consummation of said [act of] consolidation or merger as aforesaid all and singular the rights privileges and franchises of each of said corporations parties to the same and all the property real personal and mixed and all debts due on whatever account as well as [of] all stock subscriptions and other things in action belonging to [each] any of such corporations shall be taken and deemed to be transferred to and vested in or to remain vested in such new or surviving corporation without further act or deed and all property all rights of way and all and every other interests shall be as effectually the property of the new or surviving corporation as they were formerly of the [former] corporations parties [by] to said agreement and the title to real estate acquired either by deed or otherwise under the laws of this Commonwealth vested in [either] any of such corporations shall not be deemed to revert or be in any way impaired by reason of this act or anything done by virtue hereof Provided That all rights of creditors and all liens upon the property of [either] any of said corporations shall be preserved unimpaired and the respective corporations may be deemed to continue in existence to preserve the same and all debts liabilities and duties of [either] any of said [companies] corporations shall thenceforth attach to said new or surviving corporation and be enforced against it to the same extent as if said debts liabilities and duties had been incurred or contracted by it

Section 5 Such new [company] or surviving corporation shall as soon as convenient after such consolidation establish or continue such offices as may be desirable one of which shall be at some point in this Commonwealth on the line of its road and may change the same at pleasure giving public notice thereof in some newspaper published on the line of said road

Section 6 Suits may be brought and maintained against such new [company] or surviving corporation in any of the courts of this Commonwealth for all causes of action in the same manner as against other railroad [companies] corporations therein

Section 7 That portion of the road of such [consolidated company] new or surviving corporation that is located in this Commonwealth and all its real estate and other property in this Commonwealth shall be subject to like taxation and be assesed in the same manner and with like effect as property of other railroad [companies] corporations within this Commonwealth

Section 8 Any stockholder of any [company] corporation hereby authorized to consolidate with or be merged into any other corporation who shall have voted against the consolidation or merger and who shall refuse to convert his stock into the stock of the [consolidated company] new or surviving corporation may at any time within thirty days after the adoption of the said agreement of consolidation or merger by the stockhoders as this act provided apply by petition to the court of common pleas of the county in which the chief office of said [company] corporation may be kept or to a judge of said court in vacation if no such court sits within said period on reasonable notice to said [company] corporation to appoint three disinterested persons to estimate the damage if any done to such stockholder by said proposed consolidation or merger and whose award or that of a majority of them when confirmed by the said court shall be final and conclusive and the persons so appointed shall also appraise said stock of such stockholder at the full market value thereof without regard to any depreciation or appreciation in consequence of the said consolidation or merger and the said [company] corporation may at its election either pay to the said stockholder the amount of damages so found and awarded if any or the value of the stock so ascertained and determined and upon the payment of the value of the stock as aforesaid the said stockholder shall transfer the stock so held by him to said [company] corporation to be disposed of by the directors of said [company] corporation or be retained for the benefit of the remaining stockhloders and in case the value of said stock as aforesaid is not so paid within thirty days from the filing of the said award and confirmation by said court and notice to said [company] corporation the damages so found and confirmed shall be a judgment against said [company] corporation and collected as other judgments in said court are by law recoverable Provided however That such award shall not be payable or become a judgment unless and until such consolidation or merger shall have been consummated

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 339 on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 339, as follows:

An Act to amend the act approved the thirteenth day of May one thousand eight hundred and eighty-nine Pamphlet Laws 205) entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged" by making the same applicable to the surviving company in case of a merger and by modifying the limitations restrictions and conditions affecting the issue of stock and bonds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assmebly met and it is hereby enacted by the authority of the same That the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws 205) entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged" is hereby amended to read as follows

Section 1 Be it enacted etc That whenever any [merger

and] consolidation or merger of the corporate rights and [franchises] of two or more railroad companies shall hereafter be made under the laws of this Commonwealth or of this Commonwealth and any other state or states such railroads being neither paralled or competing lines it shall [and may] be lawful for the said companies to specify in the joint agreement for such consolidation [and] or merger what amount of capital stock and bonds of the consolidated or surviving company shall be issued to the stock and bondholders or either of any one or more of said several railroad corporations parties to said joint agreement in lieu and exchange for the stock and bonds held by them in said last named corporation respectively The amount of stock and bonds or either of them so issued or to be issued by the consolidated or surviving company to the stock and bondholders or either of any or more of said [constituent] companies parties to said joint agreement may when necessary to equalize the interest of [the] said parties [to the said joint agreement] or otherwise be in excess of the amount of the authorized and outstanding issues of such company or companies but shall not be in excess of the actual value of the corporate property and franchises of such [constituent] company or companies vested in the consolidated or surviving corporation [pursuant to such merger and consolidation] under such joint agreement [nor shall the aggregate amount isued by said consolidated company exceed the sum of one hundred and fifty thousand dollars of stock and one hundred and fifty thousand dollars of bonds per mile of the railroad so that the sum total of stock and bonds of such company shall never exceed three hundred thousand dollars per mile] Provided That where the amount of stock and bonds or either to be issued by the consolidated or surviving company to the stock and bondholders or either of any one or more of such [constituent] companies shall be in excess of the aggregate amount of authorized and outstanding stock and bonds or either of such company or companies the said agreement shall be accompanied by the affidavit of the president or a vice president and of the principal engineer of such [constituent] company or companies that the [actual cash] value of the property of such [constituent] company or companies is in their judgment [equal to] not less than the amount of stock and bonds or either to be issued to its or their stock and bondholders or either

Section 2 That whenever any [merger or] consolidation or merger of two or more railroad companies shall have heretofore been made the consolidated or surviving company [so formed] shall have the same power to increase from time to time its capital stock and indebtedness but not exceeding the [amounts specified in the first section of this act nor the actual] value of its property and franchises upon filing with the returns of the increase of said capital stock or indebtedness the affdavits prescribed in the first section of this act Provided That no company [or companies] shall have the benefits conferred by the provisions of this act unless [they accept] it accepts in writing filed in the office of the Secretary of the Commonwealth the provisions of the Constitution of one thousand eight hundred and seventy-four

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. RUTH, Mr. President, I call up at this time Senate Bill 144, on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 144, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by increasing the powers and duties of district superintendents supervising principals and county superintendents changing the qualifications of county district assistant and associate superintendents and supervising principals increasing the terms of county and district superintendents and conferring powers and imposing duties on the State Council of Education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and sixty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1192) is hereby further amended to read as follows

Section 563 The board of school directors of each school district of the second third or fourth class shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the school district in its several departments for the following fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as hereinafter provided and shall be apportioned to the several classes of expenditures of the district as the board of school directors thereof may determine Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2,000) until after ten days' public notice Provided however That nothing in this act shall be construed to prevent any school district whose total estimated expenditures do not exceed two thousand dollars ($2,000) from holding a public hearing The proposed budget shall be printed or otherwise made available for public inspection to all persons who may interest themselves at least twenty days prior to the date set for the adoption of the budget The board of school directors after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the board of school directors shall file a copy of the same in the office of the Department of Public Instruction In all school districts under the direction of a district superintendent the budget shall be signed by the district superintendent and a copy thereof shall be forwarded by him to the Department of Public Instruction In all districts under the supervision of a county superintendent the county superintendent shall sign the budget and forward a copy thereof to the Department of Public Instruction Provided That in districts which employ a supervising principal the budget shall be signed by the supervising principal and countersigned by the county superintendent who shall forward a copy to the Department of Public Instruction

The board of school directors may during any fiscal year make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire or other catastrophies the funds therefor to be provided from unexpected balances in existing appropriations from unapproved revenue if any or from temporary loans Such temporary loans when made shall be approved by a two-thirds vote of the board of school directors

The board of school directors shall have power to authorize the transfer [within the same fund] of any

unencumbered balance or any portion thereof from one [spending agency] item of the budget to another but such action shall be taken only during the last nine months of the fiscal year and except as hereinbefore otherwise provided no moneys apportioned [from] for any class of expenditures shall be used for purposes other than designated for said class in said budget The total amount of such budget shall not exceed the amount of funds including the proposed annual tax levy and State appropriation available for school purposes in that district

The uniform budget forms required by this act shall be prepared by the Department of Public Instruction which shall issue said forms and distribute them annually as needed to the school districts

Section 2 Section one thousand one hundred and three of said act as last amended by section twenty-two of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1103 No person shall be eligible for election or appointment as a county district or assistant county or district superintendent [or] associate superintendent or supervising principal unless he [holds a diploma from a college or other institution approved by the State Council of Education of this Commonwealth

Provided That no person shall be elected or appointed a county district or assistant county or district superintendent or associate superintendent who has not had six years successful teaching experience not less than three of which shall have been in a supervisory or administrative capacity And provided further That he has completed in a college or university a graduate course in education approved by the State Council of Education And provided further] possesses such qualifications for the particular office as the State Council of Education shall by general rules prescribe Provided That serving either as county district or assistant county or district superintendent [or] associate superintendent or supervising principal in this Commonwealth at the time this act as amended becomes effective shall be considered sufficient qualification for any of the aforesaid offices

Section 3 Section one thousand one hundred and four of said act is hereby amended to read as follows

Section 1104 Every [four] six years there shall be elected as herein provided in every county in this Commonwealth a person to be known as the county superintendent

Section 4 Section one thousand one hundred and five of said act as amended by section one of the act approved the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws 349) is hereby further amended to read as follows

Section 1105 The school directors of each county of this Commonwealth in which a county superintendent is to be elected shall meet in convention at the county seat of their county in the courthouse or some other suitable place to be furnished by the county commissioners at the expense of the county on the second Tuesday of April [one thousand nine hundred and eighteen (1918)] one thousand nine hundred and thirty-eight and on the same day of every [fourth] sixth year thereafter and by a majority vote of those present elect as herein provided one duly qualified person as county superintendent to serve for [four] six years from the first Monday of July next following Such election shall be held only upon petitions which shall originate from resolutions adopted by a majority vote of the members of each school board at a regular meeting thereof in at least one-fifth of the school districts under the jurisdiction of the county superintendent This petition shall be certified under oath or seal of the secretary of the petitioning board of school directors and shall cite the objections to the continuance in office of the present incumbent Causes for filing such objections shall be immorality incompetency intemperance cruelty wilful and persistent negligence mental derangement persistent and wilful violation of the school laws of this Commonwealth

These petitions accompanied by a copy of the resolutions adopted by the petitioning boards shall be filed with the Superintendent of Public Instruction at least ninety days before the date designated for such election The Superintendent shall thereupon issue a call for an election to be held in accordance with the provisions of this act

Unless a duly certified petition for an election has been filed in accordance with the foregoing provisions the incumbent shall continue in office for the ensuing term and if any changes in salaries of county and assistant county superintendents are to be effected the same shall be determined at the annual meeting of the school directors association immediately preceding the expiration of the term for which he was elected otherwise the salary or salaries fixed by the last convention shall prevail for the next succeeding term [Provided That on the second Tuesday of April one thousand nine hundred and twenty-six (1926) county superintendents shall be elected as herein provided to serve from the first Monday of May one thousand nine hundred and twenty-six (1926) until the first Monday of July one thousand nine hundred and thirty (1930)]

Section 5 Section one thousand one hundred and twenty-seven of said act is hereby amended to read as follows

Section 1127 The superintendent of each county entitled to an assistant superintendent or assistant superintendents shall within fifteen days after receiving his commission nominate to the county board of school directors the assistant superintendent or superintendents who must furnish the president of said county board of school directors [the same evidence of eligibility as is required of candidates for county superintendents] evidence of eligibility in accordance with the regulations of the State Council of Education These nominations shall be appointments until the end of the county superintendent's term of office when confirmed by a majority vote of the county board of school directors The president and secretary of the county board of school directors shall certify to the Superintendent of Public Instruction the name and post-office addresses of the assistant county superintendents and supervisors of special education appointed as herein provided and their salaries as fixed by the directors' convention and such assistant county superintendents and supervisors of special education shall be commissioned by the Superintendent of Public Instruction in the same manner and under the same conditions as in the case of county superintendents Should the county superintendent and the county board of schools directors of any county fail to nominate and confirm the assistant superintendent or superintendents or supervisor of special education for such county within thirty days after the county superintendent has received his commission the Superintendent of Public Instruction shall appoint such assistant superintendent or superintendents or supervisor of special education to serve until the end of the county superintendent's term of office Any person who is certified to teach in the public schools of the Commonwealth and who is certified as a public school psychologist by the Department of Public Instruction shall be eligible for appointment as a supervisor or joint supervisor of special education

The superintendent of each county entitled to a supervisor of special education shall nominate to the county board of school directors the candidate for the office of supervisor of special education by a majority vote of the county board of school directors the candidate may be appointed to serve until the end of the term of office of the county superintendent

The county superintendents of the counties which are entitled to a joint supervisor of special education shall nominate to their county boards of school directors the candidate for the office of joint supervisor of special education by a majority vote of the several members of the county boards of school directors the candidate may be appointed to serve until the end of the terms of office of the county superintendents

Section 6 Section one thousand one hundred and thirty-four of said act as last amended by section twenty-three of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1134 The board of school directors of each

district of the second or third class electing a district superintendent shall meet in convention at its regular place of meeting on the second Tuesday of April [one thousand nine hundred and eighteen (1918] one thousand nine hundred and thirty-eight and every [four] six years thereafter at an hour previously fixed by said board and the secretary shall mail to each member thereof at least five days beforehand a notice of the time place and purpose of such convention Such convention shall in the same manner as a county superintendent is elected and certified elect and certify a properly qualified district superintendent to serve for [four] six years from the first Monday of July next following his election Such election shall be held only when the board of school directors at least ninety days before the close of the term of the superintendent declares that the incumbent shall vacate the office at the end of the term on account of immorality incompetency intemperance cruelty wilful and persistent negligence mental derangement or persistent and wilful violation of the school laws of the Commonwealth by the incumbent Upon such a declaration by the board for any of the causes enumerated the superintendent in office shall have the same rights to hearing procedures and appeal before the board and the courts as are provided for professional employees in Act Number Fifty-two approved the sixth day of April one thousand nine hundred and thirty-seven defining professional employees and providing for and regulating the employment dismissal suspension and demotion of such employees and providing for appeal to the courts of common pleas [Provided That on the second Tuesday of April one thousand nine hundred and twenty-six (1926) such district superintendents shall be elected as herein provided to serve from the first Monday of May one thousand nine hundred and twenty-six until the first Monday of July one thousand nine hundred and thirty (1930)]

The term of office or commission of a district superintendent or assistant district superintendent shall not be shortened by reason of the fact that the district in which he serves shall because of loss of population enter a class of districts for which there is no provision for a district superintendent or assistant district superintendent and such superintendent or assistant superintendent shall continue to serve such district for the term of his office or commission

Section 7 Section one thousand one hundred and forty-two of said act is hereby amended to read as follows

Section 1142 The duties of district superintendents of all school districts having such officials in this Commonwealth shall be the same as those now required of county superintendents and also such as shall be required of them by the boards of school directors of their respective districts The district superintendent shall have a seat in the board of school directors of the district and shall attend all meetings of the board and of its committees unless excused by the president or the chairman of the respective committees and shall have the right to speak on all matters before the board of school directors but not to vote He shall sign the annual budgets and financial reports before they are submitted to the Department of Public Instruction

Section 8 Section two thousand five hundred two of the said act is hereby amended to read as follows

Section 2502 In each school district of the second third or fourth class where the public school library is put under the management and supervisio of a board of seven library trustees the board of library trustees shall be constituted as follows Five library trustees not members of the board of school directors shall be elected by a majority vote of the board of school directors from the school district at large The five trustees so elected together with the president of the board of school directors and the district superintendent or the supervising principal if any or if there be no district superintendent or supervising principal then the vice-president of the board of school directors shall constitute the board of seven library trustees

Section 9 Section two thousand six hundred and fifteen of said act is hereby amended to read as follows

Section 2615 In all school districts of the second third and fourth class in this Commonwealth the auditors' report of the finances of the district for the preceding fiscal year as made by the auditors herein provided shall be filed with the board of school directors and entered on the minutes of the board of school directors and entered on the minutes of the board by the secretary thereof In all school districts under the direction of a district superintendent the auditors' report shall be signed by the district superintendent and a copy thereof forwarded by him to the Department of Public Instruction

Section 10 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUTH. Mr. President, I move that Senate Bill No. 144, the bill just read, be recommitted to the Committee on Education for the purpose of further study.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I move that the remaining bills on the second reading calendar go over in their order.

HOUSE MESSAGES

SENATE BILL NO. 639 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives, being introduced, returned to the Senate, Senate Bill No. 639, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employees to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employees be exclusive representatives of all the employees authorizing the Board to conduct hearings and elections and certify as to representatives of employees for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

AMENDMENTS TO HOUSE BILL NO. 1043, RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1043, entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen), entitled "State Personal Property Tax Act" as amended, by imposing annual taxes for State and county purposes, and, in cities coextensive with counties, for State, city and county purposes; making further provisions for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon; modifying and further defining certain exemptions from said taxes, and concerning the distribution of the proceeds thereof; providing that the existing and future borrowing capacity, and the obligations and security of the outstanding bonds and other securities of the several counties, and cities coextensive, with counties, of the Commonwealth, shall not be impaired; and making an appropriation.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 61, entitled:

An Act authorizing executors, guardians and trustees to purchase life, endowment or annuity contracts in companies approved and duly authorized to carry on such business in the State of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 142, entitled:

An Act relating to public assistance, including local poor relief, unemployment relief, pensions for the blind, mothers' assistance, old age assistance and benefits and other forms of public charity or assistance; creating a State Public Assistance Commission and county public assistance boards; defining their powers and duties; abolishing certain State and local agencies; taking away certain functions of the Department of Welfare; creating county public assistance districts; transferring to them the property and functions of county and local poor districts; abolishing all such poor districts; taking away certain functions of cities; imposing certain expenses on counties; providing for the allocation and distribution of State and Federal moneys available for public assistance; and conferring powers and imposing duties on certain State and county officers and on courts of common pleas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 486, entitled:

An Act to further amend section nine of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when, how, upon what property and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims files therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," making additional provision for the filing of tax claims.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 593 (House Bill No. 645), entitled:

An Act to authorize cities, boroughs, towns, townships, counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, boroughs, towns, townships, and counties to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects and the occupants thereof; to authorize certain cities, and counties to make an appropriation for the first year's administrative expenses of housing authorities; and to authorize certain cities, boroughs, towns and counties to pay moneys to housing authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 949, entitled:

An Act authorizing the Governor to appoint a commission to make studies in respect to the employment of persons over the age of fifty years; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 969 (House Bill No. 1360), entitled:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" as amended, extending the time within which appeals from auditors' reports may be taken.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1041, entitled:

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to stablish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," requiring teachers to be citizens, except in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1050, entitled:

An Act to amend the act approved the twenty-ninth day of May, one thousand nine hundred thirty-five (Pamphlet Laws two hundred sixty-one) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor, to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives, and to acquire in exchange a certain tract therefor," by substituting Owen J. Zimmerman, or his successor in title, for Samuel Zimmerman.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1051, entitled:

An Act declaring forfeitures of Commonwealth grants of public works, canals, rights and privileges, where the conditions, covenants or terms of such grants have been, or shall hereafter be, breached by disuse or otherwise by the owners or holders thereof; authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act; and ratifying any and all such pending proceedings.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1081 (House Bill No. 1639), entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment and training of defective delinquents, providing for the commitment and transfer of such persons to such institution and discharge therefrom, conferring powers and imposing duties on the Department of Welfare and courts and imposing certain charges on counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1119, entitled:

An Act providing for the qualification, examination, appointment, term of office and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines and the courts; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1121, entitled:

An Act providing for the erection, construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from The General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties, to the extent, and in the manner, provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1122, entitled:

An Act providing for the erection, construction, and equipment of a Maximum Security State Penitentiary for the detention, care, maintenance and employment of maximum security prisoners, transferred thereto from the Eastern and Western State Penitentiaries; designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority; authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion, and the Department of Welfare to manage and operate the same; providing that the costs of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1125 (House Bill No. 135), entitled:

An Act requiring the Secretary of the Commonwealth and providing for hearings and appeals to inquire into the purposes of the incorporators or those attempting to form an association of labor groups to approve and disapprove their incorporation or their attempted association or right to do business within the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1134, entitled:

An Act to repeal the act approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws one hundred two) entitled, "An act transferring

money from the State School Fund to the General Fund, and requiring the State council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

Committees will meet as follows:

The Committee on State Government will meet on Wednesday, May 12th, at 4 p. m., in Room 402.

The Committee on Public Health will meet on Wednesday, May 12th, at 11:30 a. m., in Room 402.

The Committee on Forests and Waters will meet on Wednesday, May 12th, at 10:30 a. m., in Room 400.

The meeting of the Judiciary General Committee, called for Tuesday, is cancelled and instead the sub-committee of Judiciary General will meet at 10 o'clock a. m. in Room 302 to consider Senate Bills Nos. 341, 342 and 343.

The Committee on State Govrnment will meet on Tuesday, May 11th, at 11:45 a. m., in Room 402.

ADJOURNMENT

Mr. RICE. Mr. President, I move that Senate do now adjourn until 12 o'clock noon tomorrow.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until 12 o'clock noon, Wednesday, May 12, 1937.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 10, 1937

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

O Lord, our Lord, we acknowledge our first obligation is unto Thee. We pause a moment for consultation with Thee, before we take up the duties of the evening. We pray unto Thee, not as one far, far away. Thou art ever near and ready to help those who seek Thy help. Therefor we earnestly seek Thy favor as we pray—"God save our Commonwealth."

In Christ's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, May 5, 1937, when, on motion of Mr. HABBYSHAW the further reading was dispensed with and the Journal approved.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 5, 1937.

Resolved (if the Senate concur), that Senate Bill No. 377, Printer's No. 243, entitled "An act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled 'An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the abligation to furnish such support whether the damages are payable by the Commonwealth or a county' extending said act to all counties of this Commonwealth," be recalled from the Governor for the purpose of amendment.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 6, 1937.

Resolved, (if the House of Representatives concur) That

Whereas, A henious sex crime was committed recently in Chester County by a person paroled from the Pennsylvania Industrial School at Huntingdon who has since been convicted of this crime; and

Whereas, The commission of such crimes raises in the minds of the public the soundness of a parole system which releases criminals from confinement only to perpetuate future crimes of a similar nature; and

Whereas, A Commission has been created at this Session of the General Assembly with power to make investigations respecting the probation and paroling of persons guilty of crime; therefore be it

Resolved, That the Senate of the Commonwealth hereby requests the Commission created by the Act of March 9, 1937, Act No. 11, authorized to make an investigation of the practice and procedure in the courts, to specifically investigate the facts and circumstances surrounding the parole of the defendant in the case recited in the preable hereof.

Resolved, That a copy of this resolution be transmitted to the Commission created by said act.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVE OF ABSENCE WITHDRAWN

Mr. JIROLANIO asked and obtained permission to withdraw his leave of absence for tonight's session and obtained leave of absence for himself for tomorrow.

LEAVES OF ABSENCE

Mr. JIROLANIO withdrew his request of last Wednesday for leave of absence for himself and Messrs. VAN SICKLE, COAKLEY and McFALL.

Mr. JIROLANIO asked and obtained leave of absence for himself and Messrs. VAN SICKLE, COAKLEY and McFALL for tomorrow to attend a special election in Northampton County.

Mr. Haberlin asked and obtained leave of absence for Mr. PERSHING.

Mr. Haggerty asked and obtained leave of absence for Mr. FLANAGAN for the remainder of the week.

Mr. Samuel A. Weiss asked and obtained leave of absence for Mr. JAMES W. PATTERSON on account of illness.

Mr. Shepard asked and obtained leave of absence for Mr. HOLMES.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 311.

An Act authorizing the recording and copying of documents plates papers and instruments of writing by photostatic photographic or other mechanical process and relating to the effect and use of such copies and records

SENATE BILL No. 404.

An Act to amend section one of the act approved the eleventh day of June one thousand nine hundred and thirty-five (Pamphlet Laws 336) entitled "An act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of morgtages and suspending the operation of the Statute of Limitations and inconsistent acts of Assembly" extending said act a further period of two years

SENATE BILL No. 429.

An Act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia meonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act

SENATE BILL No. 568.

An Act to amend sections one two three and section nine as amended of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 888) entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties" by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable shortening reports required of physicians in such cases clarifying the duration of placarding and empowering the Department of Health to obtain additional information from local health authorities

SENATE BILL No. 671.

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties

SENATE BILL No. 677,

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206) entitled, "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto;" providing that townships of the first class shall have the power to develop their own water supply.

SENATE BILL No. 775.

A Supplement to an act approved the twentieth day of July one thousand nine hundred thirty-five (one thousand nine hundred thirty-five Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Execuitve Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie available for the purchase of land to be available for the burial of deceased members of the home

SENATE BILL No. 806.

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-seven) entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth" increasing the compensation of coroner's jurors

SENATE BILL No. 801.

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws one hundred eight) entitled "An act to give exclusive jurisdiction to the Muncipal Court of Philadelphia over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the Municipal Court of Philadelphia and repealing all acts or parts of acts inconsistent therewith" transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia

HOUSE BILL No. 923.

An Act to amend section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 920) entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorported towns and the cost of removal of structures where the county does not agree to such changes or removals requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. McARDLE, from the Committee on Motor Vehicles, reported as amended, House Bill No. 276, entitled:

An Act to amend section one thousand one hundred and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts, making an appropriation and providing for refunds," by prohibiting the operation of certain commercial motor vehicles, truck tractors, trailers, and semi-trailers on public highways between certain hours on Sundays and holidays except on routes designated by the Department of Revenue with the approval of the Department of Highways; and prescribing a penalty.

Mr. YOURISHIN, from the Committee on Mines and Mining, reported as committed, Senate Resolution Serial No. 118.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1835, entitled:

An Act to authorize the acquisition, improvement, construction, operation and maintenance of electric light and gas systems by cities of the third class and boroughs; authorizing the issuance of revenue bonds of such cities and boroughs; payable solely from earnings, to pay the cost of such systems; providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance, operation, and repair of such systems; providing for condemnation; authorizing the issuance of revenue refunding bonds; and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1792, entitled:

An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1984, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by adding new sections; further regulating the use of highways and the operation of, and the equipment used in connection with, vehicles, including trailers and semi-trailers, street cars, trackless trolley omnibuses and commercial motorcycles upon the highways of this Commonwealth; extending certain provisions of the act to trailers and semi-trailers; providing for the renewal and automatic satisfaction of encumbrances and liens, and further amending the procedure relating thereto; providing for the further registration of certain vehicles and the licensing of the operators thereof, including additional requirements, reciprocity agreements and additional reasons for suspension and revocation; conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways; further imposing upon municipalties within the Commonwealth liability for damages caused by the negligent operation of fire department equipment; changing the procedure, disposition of fines and penalties for certain violations of the act and making the fines thereunder mandatory; requiring additional certificates for certain types of vehicles and equipment and the payment of additional fees; and extending existing penalties and providing additional penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. AUKERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and amendment.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 883, entitled:

An Act authorizing mutual savings banks to establish life insurance divisions providing for issuance of certificates by the Secretary of Banking and Insurance Commissioner defining the duties of the Insurance Commissioner providing for the procedure and prerequisites and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move

this bill be recommitted to the Committee on Insurance for the purpose of a public hearing.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1093, entitled:

An Act to amend clause XLIX of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to borough," authorizing boroughs to expend moneys for the purchase and planting of trees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1323, entitled:

An Act to amend section one thousand and thirty-eight of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet laws, five hundred and nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended; extending the time within which appeals from auditors' reports may be taken.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1751, entitled:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed; changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value; providing a procedure by which the actual value of such property, when purchased by or for the holder of the mortgage, may be determined and credited on the mortgage debt; and providing a limitation of time within which such procedure may be invoked.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1105, entitled:

An Act to amend section one as amended, and section two, of the act, approved the twenty-eighth day of June, one thousand nine hundred seventeen (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties;" providing for the filing of certificates showing changes of address.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2029, entitled:

An Act to amend article five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the fifth class to make appropriations for the maintenance of short wave radio broadcasting stations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 721, entitled:

An Act to further amend section two hundred and ninety-five of an act approved th second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of the clerk to the jury commissioners in counties of the third class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1331, entitled:

An Act requiring all persons claiming damages from any county city borough town township or school district to file within six (6) months from the origin of such claim, a written notice with such county city borough town township or school district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1994, entitled:

An Act to amend clause (c) of section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" making certain changes in the manner of serving writs of scire facias when personal service cannot be made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1173, entitled:

An Act to insure and protect fair trade practices in distribution defining such practices prohibiting the ad-

vertisement offer for sale or sale of merchandise at less than cost and fixing a penalty for such advertisement offer for sale or sale and investing the courts with jurisdiction to prevent and restrain violations of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1460, entitled:

An Act relating to employers and employes prohibiting the issuance of scrip tokens drafts orders coupons or other certificates redeemable in merchandise in payment of labor performed or to be performed and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2094, entitled:

An Act requiring all persons receiving garments for cleaning pressing or tailoring to issue receipts therefor specifying the extent of liability for the failure to return such garments and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1470, entitled:

An Act regulating the time for appeals in cases where petitions have heretofore been or shall hereafter be presented for reconsideration of or re-argument on judgments and decrees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2026, entitled:

An Act to further amend the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred eighty-five) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" by defining the jurisdiction of the Pennsylvania Milk Control Commission over such associations and regulating the sale and marketing of milk thereby.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1820, entitled:

An Act to amend section three of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" reducing the number of days during which exhibitions need be held.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1690, entitled:

An Act regulating the mining of coal prescribing duties for county commissioners and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of further study.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1468, entitled:

An Act imposing a State tax upon certain butter substitutes providing for the collection thereof requiring distributors to be registered imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State and the Department of Agriculture and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1259, entitled:

An Act relating to and regulating the business of distributing unaddressed advertising matter, or samples from door-to-door hand-to-hand or family-to-family requiring a license therefor prohibiting political subdivisions from imposing license fees or taxes thereon conferring powers and imposing duties on the Department of Revenue and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that thsi bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1049, entitled:

An Act providing for the creation of a legal holiday on April eighth one thousand nine hundred thirty-eight to be known and observed as "Forefathers Day."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2115, entitled:

An Act relating to criminal prosecutions limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1334, entitled:

An Act providing for the recovery of damages by persons bitten by dogs and creating a liability of the owners of such dogs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1499, entitled:

An Act prohibiting certain persons from selling, taking orders for, delivering, or being interested in the manufacture or sale of machinery, equipment, materials, feed supplies or other things used by milk producers and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2204, (Senate Bill No. 811), entitled:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change under certain conditions the locations of the sewers and sewer system by amending ordinances and providing that abutting property owners shall be liable in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1165, (Senate Bill No. 135), entitled:

An Act to amend clause (d), Article twenty-four of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" conferring power on boroughs to make appropriations for the support and maintenance of airdromes and aviation landing fields.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Aeronautics for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2219, (Senate Bill No. 745), entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled, "An act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner; defining non-cancellable health and accident insurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2218, (Senate Bill No. 672), entitled:

An Act to amend sections one two, twelve and twenty-four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1260), entitled "An act regulating the business of assisting employers to obtain employes, and persons to secure employment; providing for the licensing; registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties,' "defining employers and employes" providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers; further regulating registers of employment agencies; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2121, (Senate Bill No. 219), entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment and compensation of detective to the district attorney in counties of the fifth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2223, (Senate Bill No. 755), entitled:

An Act to amend the act approved the seventeenth day,

of May, one thousand nine hundred and twenty-one (Pamphlet Laws, seven hundred eighty-nine) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the servcie of legal process upon foreign insurance companies, associations or exchanges; providing penalties and repealing existing laws," by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2225, (Senate Bill No. 787), entitled:

An Act to amend paragraph (a) of section eight of the act approved the second day of July, one thousand nine hundred and thirty-five (Pamphlet Laws five hundred eighty-nine), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," by requiring additional tests of milk so as to further protect the public against milk-borne diseases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2222, (Senate Bill No. 749), entitled:

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance; prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2220, (Senate Bill No. 746), entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one, (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws," as amended, by extending the purposes for which companies may be incorporated to include insuring glass against all risk; insuring any goods or premises against any and all loss caused by water; and insuring moneys and securities against all risk.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2217, (Senate Bill No. 388), entitled:

An Act to further amend sections two, three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word 'drug'; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2198, (Senate Bill No. 104), entitled:

An Act authorizing boroughs that have been relying on invalid bond issues authorized by the electors entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed to provide for the payment of the reasonable value of such performance to contract for completion and to increase their indebtedness therefor and validating ordinances agreements increases of indebtedness and bonds heretofore adopted entered into issued or to be issued to accomplish such purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2221, (Senate Bill No. 747), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing the manner in which dividends on contributory group insurance policies are to be apportioned.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1257, entitled:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred fifty-one) entitled "An act relating to roads highways and bridges" increasing the maximum width of public roads.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1780, entitled:

An Act to amend section five and sections sixteen seventeen and twenty-one as amended of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred and ten) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monumental and memorial purposes and prescribing penalties" by providing for promoters partnerships and copromoters a bond to protect contestants managers and officials changing license fees for promoters boxers seconds managers and wrestlers and requiring payments to the Commonwealth for complimentary tickets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1777, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further limiting the number and weight of trailers and semi-trailers that may be drawn by or attached to motor vehicles operated on highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 81, entitled:

An Act authorizing courts of common pleas to stay writs of eviction, against certain classes of tenants in certain cases; providing for continuance of return days for writs of eviction and authorizing the execution thereof without issuance of further writs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1615, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania the property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historial Commission authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2226, (Senate Bill No. 814), entitled:

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled, "An act defining fraternal benefit societies and their status, authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws," empowering the Insurance Commissioner to make periodical examination of such societies, and requiring such societies to furnish the Insurance Commissioner with any information he may desire; providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2174, (Senate Bill No. 652), entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commission county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1122, (Senate Bill No. 193), entitled:

An Act making unlawful the owning using or possessing by the sale to or for and the giving furnishing or lending to any person under the age of sixteen of any air rifle or air gun and prescri ing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Game for the purpose of further study.

The motion was agreed to.

BILL TAKEN FROM TABLE

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that House Bill No. 606, together with the amendments which were laid upon the table, be taken from the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. JIROLANIO and Mr. SAMUEL A. WEISS.

Mr. SAMUEL A. WEISS. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—76

Allmond,	Fiss,	Levy,	Reese,
Atkins,	Flannery,	Lovett,	Reising,
Aukerman,	Gerard,	Marino,	Richter,
Baine,	Haberlen,	McCullough,	Robinson,
Baker, F. T.,	Hall,	McDevitt	Rothenberger,
Balthaser	Hamilton, R. S.,	McGee,	Ruffennach,
Boyer,	Harkins,	Merrell,	Schor,
Bradley,	Harmuth,	Mihm,	Schrope,
Brancato,	Hays,	Moomaw,	Shaw,
Brigerman,	Hetrick,	Moran,	Spengler,
Broad,	Hindman,	Murrin,	Tronzo,
Brownfield,	Hirsch,	O'Keefe,	Turner,
Caesar,	Holland,	Ominsky,	Valibus,
Caputo,	Hontz,	Ostroff,	Wagner,
Chervenak,	Horting,	Patterson, C. S.,	Walsh,
Cohen, R. E.,	Huntley,	Peale,	Weiss, D. H.,
Costanzo,	Imbrie,	Powers,	Weiss, S. A.,
Dyson,	Kane,	Preston,	Yanoshat,
Elpern,	Kroll,	Readinger,	Furman,

NAYS—88.

Achterman,	Habbyshaw,	Moul,	Thomas,
Allen,	Hagerty,	Muir,	Thompson,
Arnold,	Hamilton, F. P.,	O'Connor,	Toole,
Baker, J. J.,	Hering,	Pearson,	Tumelty,
Berly,	Holstrom,	Perry,	VanAllsburg,
Bohn,	Jirolanio,	Piole,	VanSickle,
Boles,	Keenan,	Royer,	Vogt,
Boose,	Kelso,	Sarraf,	Wall,
Burrows,	Kilroy,	Scanlon,	Wampole,
Cadwalader,	Kline,	Schrock,	Watkins,
Coleman,	LaRue,	Schumacher,	Webster,
Corrigan,	Leisey,	Shoemaker,	Welliver,
Decker,	Longaker,	Shugarts,	Welsh,
DeNote,	Lyons,	Siegel,	Whalen,
Dickinson,	Mallen,	Simon,	Wilson,
Dougherty,	McArdle,	Sloan,	Winner,
Downey,	McDermott,	Snyder,	Wood,
Dubbs,	McElroy,	Stackpole,	Woodside,
Eckels,	McKinney,	Stank,	Wright,
Flinchbaugh,	McShane,	Stewart,	Yeakel,
Ganser,	Mellott,	Strode,	Yourishin,
Gillette,	Mooney,	Terry,	Zappala,

So the question was determined in the negative and the motion was not agreed to.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor, which were laid upon the table.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 753, entitled:

An Act to create an agency in the public interest to be known as the Pennsylvania State Bar for the purpose of organizing and governing persons who practice law and regulating said practice to provide for the organization government membership and powers of said agency and to provide penalties for the violation of the act and repealing all act or parts of acts in conflict therewith

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1. Title

This act may be known and cited as the "State Bar Act"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. VAN SICKLE. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of possible amendment and a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2102, entitled:

An Act to add section 491.1 to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the sixth seventh and eighth classes to pay bounties for the destruction of rattlesnakes and porcupines

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties fo the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto a new section to read as follows

Section 491.1 Bounties for Destruction of Rattlesnakes and Porcupines The board of commissioners of any county of the sixth seventh or eighth class may provide for the payment of rewards or bounties for the killing

within the county only of rattlesnakes not more than one dollar for each and for the killing of porcupines not more than fifty cents each and may make appropriations for such purposes

On the question,

Will the House agree to the section?

Mr. KANE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 1, by adding after the word "Rattlesnakes" at the end of the line, the following: "Copperhead Snakes"

Amend section 1, page 2, line 5, by inserting after the word "rattlesnakes" the following: "and copperhead snakes"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Atc to add section 491.1 to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the sixth seventh and eighth classes to pay bounties for the destruction of rattlesnakes and porcupines

On the question,

Will the House agree to the title?

Mr. KANE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title of bill, by inserting after the word "rattlesnakes" in the last line, the following: "copperhead snakes"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1000, entitled:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto

Article I, Section 101, was read as follows:

ARTICLE I

Preliminary Provisions

Section 101 Definitions Whenever used in this act unless a contrary intention is evident from the context the word "person" shall include individuals corpartnerships associations and corporations the singular shal include the plural and the masculine and femine and neuter.

The word "commission" shall mean the Pennsylvania Game Commission

The word "director" shall mean the Executive Director of the Pennsylvania Game Commission

The term "game birds" shall include (a) the anatidae commonly known as geese brandt and river and sea ducks (b) the rallidae commonly known as rails coots mudhens and gallinules (c) the limicolae commonly known as shore birds plover surf birds snipe woodcock sandpipers yellowlegs tattlers and curlew (d) the gallinae commonly known as wild turkeys grouse pheasants partridges and quail (e) the birds belonging to the order columbae commonly known as doves and (f) the grackles commonly known as blackbirds

The term "game animals" shall include (a) The wapiti or elk (b) the deer (c) the bear (d) the wild rabbit and hare (e) the red gray black and fox squirrel (f) the raccoon and (g) the woodchuck commonly known as groundhog

The term "big game" shall include (a) the elk (b) the deer and (c) the bear

The term "small game" shall include all species of game birds and game animals not classed as big game

The word "game" shall include "game animals" and "game birds"

Except as modified by the resolutions of the Commission the term "fur-bearing animals" shall include (a) the mink (b) the muskrat (c) the opossum (d) the otter and (e) the beaver

The word "predators" shall include all wild animals not classed as game animals or fur-bearing animals and all wild birds other than game birds and protected birds

Except as modified by the resolutions of the Commission the term "unprotected birds" shall include (a) the blue jay (b) the English sparrow (c) the European starling (d) the kingfisher (e) the goshawk (f) the sharp-shinned hawk (g) the Cooper's hawk (h) the great horned owl (i) the snowy owl and (j) the crow

The term "protected birds" shall include all wild birds not included within the terms "game birds" and "unprotected birds"

The term "wild birds" includes all birds other than domestic birds

The word "wild-life" shall mean and include wild birds and wild animals regardless of classification whether protected or unprotected in a wild state in this Commonwealth

The Commission may by resolution from time to time after investigation or information otherwise obtained add any bird to the list of unprotected birds in any part of the Commonwealth or may upon petition from any county add any animal to the list of fur-bearing animals in said county for such period as the commission deems best by giving notice of such action in the manner hereinafter specified When any animal is added to the list of fur-bearing animals in the manner herein authorized it shall be unlawful to take possess or dispose of such animals in the county or counties designated except in accordance with the provisions of this act relative to fur-bearing animals

The term "open season" shall mean the time during which game or fur-bearing animals may be legally taken or killed and shall include both the first and the last day of the season or period designated by this act or by the Commission

The term "close season" shall mean the time during which game or fur-bearing animals may not be legally taken or killed and includes all periods of time not included within the open season

The word "lands" as used in this act shall include land waters timber minerals oil gas and all other appurtenances ordinarily connected therewith

The word "lease" shall mean an agreement or contract by which the right to use real estate is granted or con-

veyed to or from the Commission or the act of such conveyance

The term "hunting rights" shall mean the right to control the hunting taking killing wounding removal of game birds game animals fur-bearing animals and any other wild birds and wild animals on and within a specified area of land

The ownership jurisdiction over and control of wild animals and wild birds as herein defined are hereby declared to be in the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with the provisions of this act

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the follow amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 101, page 3, line 18, by inserting at the beginning of the line, the word "and".

Amend section 101, page 3, line 1 ad 19, by striking out after the word "racoon," the following: "and (g) the woodchuck commonly known as groundhog"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Sections 102 and 104 were separately read and agreed to as follows:

Section 102 Short Title This act shall be known and may be cited as "The Game Law"

Section 103 Effect of Act on Existing Laws The provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such law and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall such repeal affect any regulation thereunder or any act done or liability incurred or any right accrued or vested or affect abate or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

Section 104 Constitutionality The provisions of this act shall be severable and if any of its provisions shall be held to be unconsttutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included herein

Article II, Sections 201, to 215 inclusive, were separtely read and agreed to as follows:

ARTICLE II

Pennsylvania Game Commission

Section 201 Appointment of Pennsylvania Game Commission An independent administrative commission to be known as the Pennsylvana Game Commission is hereby created The commission shall consist of eight competent citizens of this State who shall be appointed by the Govnor by and with the advice and consent of two-thirds of all the members of the Senate The members of the commission shall be so appointed that they shall fairly represent the several geographical sections of the State and shall be well informed on the subject of wild-life conservation and restoration

The members of the commission shall hold office for terms of eight years each and shall receive no compensation for their services

Five members of the commission shall constitute a quorum for the transaction of business

Except as otherwise provided by this act the Pennsylvania Game Commission shall have and possess all the powers generally conferred perform all the duties generally imposed upon independent administrative boards and commissions by the Administrative Code of 1929 and its amendments

Section 202 Present Commission Continued The members of the Board of Game Commissioners in office at the date when this act becomes effectve shall constitute the Pennsylvania Game Commission created by this act and shall hold their offices as members of the Pennsylvania Game Commission until their successors are appointed as hereinafter provided

Within sixty days after the date of the approval of this act Governor shall designate two commissioners to serve for a term expiring the third Tuesday of January one thousand nine hundred and thirty-nine two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-one two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-three and two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-five Thereafter such appointments of commissioners shall be for terms of eight years

Section 203 Vacancies by Death Resignation or Removal Upon the death resignation or removal from office of any person so appointed as aforesaid the Governor shall appoint a competent person to serve for the unexpired term

Section 204 Meetings of Commission Election of Officers The commission shall have an office at the capitol and shall hold meetings at such office in January and July and at such other times and places within the State as the commission shall appoint for the transaction of business At the meeting held in January of each year the commission shall elect one of its members as President and one of its members as Vice-President Such officers shall hold office for a period of one year

Section 205 Executive Director Duties and Powers The commission shall select a competent person to be known as the Executive Director who shall be its chief administrative officer and have charge of all activities under the jurisdiction of the commission He shall remain such during the pleasure of the commission and shall take the oath of office prescribed by the Constitution and file the same with the Secretary of the Commonwealth

No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for selection as Executive Director

The Executive Director shall be the Chief Game Protector and shall have charge of direct supervise and control all other game protectors and employes of the commission The compensation of the director shall be fixed by the commission The director shall give bond to the Commonwealth in the sum of forty thousand dollars conditioned for the faithful performance of the duties of his office

The director shall occupy as his permanent headquarters the rooms assigned to the commission and shall be supplied from time to time by the Department of Property and Supplies such furniture equipment and office supplies as may be necessary for the use of the commision

The director shall have authority to have printed the biennial report of the commission and such bulletins literature posters and other printing as may be necessary to the work of the commission including the magazine known as Pennsylvania Game News the subscription rates of which shall be fixed by the commission from time to time Said magazine is hereby declared to be the official publication for publishing the rules and regulations of the commission either in full or in condensed form Such publication shall at all times be maintained as a non-partisan publication and may be published with or

without paid advertising space as the commission deems advisable

Section 206 Game Protectors and Employes The commission shall appoint such number of competent men as in its opinion may be needed to discharge properly the duties devolving upon said commission whose powers and duties are hereinafter defined and who shall be known as game protectors Such number shall include men appointed game protectors and detailed to such administrative or office duty as in the opinion of the commission may be advisable The commission shall also appoint such employes and stenographers as may be deemed necessary

The compensation and duties of such game protectors employes and stenographers shall be fixed by the commission All game protectors and such other employes as the commission may designate shall give a bond in the amount of one thousand dollars unless a larger amount is required by the commission

Game Protectors and all other employes shall be removable at the discretion of the commission or may be suspended without compensation by the director pending action of the commission provided however that prior to such removal all game protectors and other regular employes shall be given a fair and impartial hearing before the commission's established Trial Board unless the employe waives such hearing The Trial Board's findings and recommendations shall be given due consideration by the commission

Section 207 Political Activity Prohibited While retaining the right to vote as he may choose and to express privately his opinion on all political subjects no salaried employe of the commission shall take any active part in political management or in political campaigns nor shall he use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing the political action of any person or body nor solicit remand or receive contributions or assessments to be used for political purposes Violation of this provision shall subject such employe to immediate dismissal

Section 208 Deputy Game Protectors The commission may appoint competent men throughout the Commonwealth to be known as deputy game protectors in such numbers as the commission may deem necessary who shall possess the rights and powers given by law to game protectors and be subject to all requirements and regulations either of the law or of rules of the commission controlling the action of such game protectors

Such deputy game protectors shall not be entitled to recompense for either time or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the Executive Director in which the rate of compensation and allowance for expenses shall be stipulated The commission shall from time to time fix the rate of compensation for such services

Any deputy game protector while not specifically employed in writing for special duties as above stipulated shall be entitled to collect such fees as are now or may hereafter be paid to constables to be assessed and collected as costs of prosecution for services legally rendered in the performance of any duties in the enforcement of the several provisions of this act

All deputy game protectors shall give a bond in the amount of three hundred dollars

Section 209 Present Game Protectors And Other Employes Continued All game protectors and deputy game protectors and other employes holding office at the date of the approval of this act shall remain in office until removed by the commission and the commissions of said officers shall continue in force under the provisions of this act with the same effect as prior to the passage of this act

Section 210 Duties of Commission It is the duty of said commission to protect propagate manage and preserve the game fur-bearing animals and protected birds of the State and to enforce by proper action and proceedings the laws of this Commonwealth relating thereto The commission shall collect classify and preserve all such statistics data and information as in its judgment will tend to promote the objects of this act to take charge of and keep all reports books papers and documents which shall in the discharge of its duties hereunder come into its possession or under its control

Section 211 Biennial Report It is the duty of said commission on or before the first day of October of each even-numbered year to prepare and present to the Governor of this Commonwealth a biennial report showing what has been done by it during the two fiscal years immediately preceding the amount of money received by it and from what sources and the amount expended by it and for what purposes with such recommendations for legislative action as the commission may deem wise

Section 212 Director to Make Return to State Treasurer Through Department of Revenue The director to the commission or his agent shall pay over all moneys received and collected under the provisions of this act to the State Treasurer through the Department of Revenue for deposit into the game fund

Section 213 Reports by Protectors Each game protector shall keep a record of his official acts receipts and expenditures and at the close of each month make summary of such record which such statements in detail as shall be necessary and report the same to the director At such intervals as the director may direct not to exceed a period of six month each game protector shall file an affidavit covering the correctness of all accounts and reports rendered during the intervening period The director shall report to the commission any negligence or dereliction of duty or incompetency on the part of any protector with the facts relating thereto and shall make such further reports as may be required by the commission

Section 214 Powers of Members of Commission Director and Game Protectors Each member of the commission the director and each of its lawfully qualified representatives shall have the power

(a) To enforce all laws relating to game and other wild birds and wild animals and to go upon any property outside of buildings posted or otherwise in the performance of his duty

(b) To execute all warrants and search warrants for the violation of the laws relating to game and other wild birds and animals

(c) To serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to game and other wild birds and animals or other requirements of this act

(d) To carry firearms or other weapons concealed or otherwise in the performance of his duties

(e) To purchase and re-sell game fur-bearing animals and protected birds or any part thereof for the purpose of securing evidence

(f) To arrest without warrant any person found in the act of violating any of the provisions of this act or in pursuit immediately following such violation

(g) To call upon any citizen of this Commonwealth for assistance in making arrests

(h) To stop and inspect or search at any time without warrant any vehicle or conveyance and its occupants or contents any time or place within this Commonwealth provided however such officer shall be in uniform and display his badge or other insignia of identification and shall state to the person in charge of said vehicle or conveyance the purpose of the inspection or search

(i) To inspect or search at any time without warrant and examine any clothing worn by any person or any boat conveyance or vehicle of any type or kind whether attached or detached to another conveyance or vehicle or any game bag game coat or other receptacle for game when such officer has made known his official identity and the cause for such inspection or search

(j) To inspect or search at any time without warrant

any hunting party roster or any camp tent cabin or detached automobile trailer or truck being used in whole or in part as a permanent or temporary abode for the purpose of hunting or trapping or a dwelling house tavern boarding house or hotel or the dwelling house or outbuildings of a caretaker of a camp or boarding house being used in whole on in part either temporarily or permanently for the purpose of hunting or trapping or harboring hunters or trappers when such officer has made known his official identity and the cause for such inspection or search to the person or persons in charge of such property

(k) To secure and execute search warrants and in pursuance thereof to enter any building dwelling house tavern hotel boarding house enclosure or car and to break open any apartment chest locker box trunk crate basket bag package or container and to examine the contents thereof

(1) When making an arrest or an investigation to seize and take possession of all birds or animals which have been caught taken or killed or had in possession or control or which have been shipped or about to be shipped at any time in any manner or for any purpose contrary to the laws of this Commonwealth

(m) When making an arrest or an investigation or when found in the execution of a search warrant to seize all guns shooting or hunting paraphernalia traps dogs boats decoys automotive equipment or any unlawful device implement or other appliance used in violation of any of the laws relating to wild birds or wild animals the use of which expressly is forbidden by this act

(n) To administer any oath required by the provisions of this act or relative to any violation of any law relating to game or other wild birds or wild animals and where game is found in a camp or in possession or under control of any individual or hunting party to question such person or persons under oath relative to the taking ownership or possession of the same

Section 215 Act Not to Apply in Certain Cases None of the provisions or requirements of this act shall be construed to apply to any member of the commission or any of its lawfully qualified representatives or duly authorized agents when acting in any manner for the Commonwealth or to prevent such persons from capturing or destroying birds or animals of any kind when acting for the Commonwealth

Article III, Sections 301 to 304 inclusive, were separately read and agreed to as follows:

ARTICLE III

Hunting Licenses

Section 301 Residents of State For the purpose of this article any person who has been a bonafide resident of this Commonwealth for a period of sixty days next preceding his application and was born in the United States of America or was fully naturalized under the laws of the United States or who is a citizen of the United States of America and regularly enrolled in the United States Army the United States Navy or the United States Marine Corps and officially stationed within the Commonwealth thirty or more days next preceding his application shall be entitled to the license herein referred to as the Resident Hunter's License upon the further fulfilment of the requirements of this article

Section 302 Resident License Fee Each such resident as provided in the preceding section upon application made in writing to any agent authorized to issue such licenses within the Commonwealth the presentation of proof that he is a citizen of the United States and a bonifide resident of this Commonwealth under the requirements of this article and the establishment of his identy to the satisfaction of the justice of the peace magistrate or notary public or any agent designated to receive applications for licenses when taking such applications as hereinafter authorized by producing a bank book letters lodge cards police cards a motor vehicle driver's license or some other positive means of identification and in the case of naturalized foreign-born applicants the production of such applicant's naturalization papers unless any such person has been disqualified for a license in the manner hereinafter specified and the payment to said agent or the Department of Revenue of two dollars ($2.00) shall be entitled to a Resident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Section 303 Non-resident and Alien Non-Resident License Fees Every non-resident of this Commonwealth upon application made in writing to any agent authorized to issue such licenses or to the Department of Revenue and the presentation of proof that he is a citizen of the United States unless any such person has been disqualified for a license in the manner hereinafter specified and upon payment to said agent or commission of fifteen dollars ($15.00) shall be entitled to the license herein designated as a Non-Resident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Every alien non-resident of this Commonwealth who is also non-resident of the United States upon written application made to the Department of Revenue setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms unless any such person has been disqualified for a license in the manner hereinafter specified and upon the payment to the Dpartment of Revenue of the fees above designated for non-residents shall be entitled to a non-resident hunters' license and the proper tag issued therewith but the Department of Revenue shall indicate on the face of the license that the holder is an alien non-resident

Section 304 Complimentary Non-Resident Licenses The commission is hereby authorized to issue annually not to exceed twenty-five complimentary hunting licenses with either a tag or a button bearing the same number as the license to any of the following persons (a) The Chief Executive of the United States (b) the governor of any state (c) to authorized representatives of the conservation department of other states (d) to federal officials engaged in conservation work (e) to authorized officials of national conservation organizations and (f) to conservation officials of any foreign country or major subdivision thereof

Such licenses shall be issued without fee and shall be in such form as the commission may determine

Article III, Section 305, was read as follows:

Section 305 License Issuance Supervision The issuance of all hunting licenses shall be under the direct supervision of the Department of Revenue which shall designate the several county treasurers and such other issuing agents throughout the Commonwealth or otherwise as it may find essential to control the lawful issuance thereof

The Department of Revenue may recall the appointment of any county treasurer or other agent at any time with or without cause and shall recall the appointment of any county treasurer or other agent either upon receipt of evidence that such county treasurer or other agent has not complied with the requirements of this act or upon receipt of a recommendation from the commission that such county treasurer or other agent be recalled because of carelessnes or negligence in the issuance of licenses

It is unlawful for any issuing agent or any of his employes or representatives or the Department of Revenue or its employes to issue any license to hunt to any applicant or for any justice of the peace magistrate notary public or other agent authorized to receive applications to accept an application for such a license from any applicant who has not established satisfactory indentification as hereinbefore required or to any person physically or mentally unfitted to carry or use firearms or who has been denied the right to secure a license in any manner hereinafter specified by revocation

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 305, page 20, line 1, by striking out the words "county treasurer or other agent" and inserting in lieu thereof: "or agent other than a county treasurer".

On the question,

Will the House agree to the amendment?

Mr. SCHROPE. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. SCHORPE. Mr. Speaker, the way I understand it now, that amendment will eliminate the other agent part from the bill, is that right?

Mr. ACHTERMAN. Mr. Speaker, that will not eliminate the other agent.

Mr. SCHROPE. What will the amendment do, Mr. Speaker?

Mr. ACHTERMAN. Mr. Speaker, this is in effect what the amendment will do: it will prevent the discharge of a county treasurer as an agent of the Department of Revenue unless for cause shown. It will still permit the Department of Revenue to discharge an agent of their own selection with or without cause, but it maintains the county treasurer as the fiscal agent in the respective counties for that Department except in cases where for cause shown they be discharged.

Mr. SCHOPE. Mr. Speaker and members of the House, the amendments to this bill have been in committee for over a month, and the original bill has been in committee from the twenty-third of February. This particular section was under discussion by the committee for a rather long period of time. With the amended bill as it is, it permits the Department of Revenue to discharge any agent including the county treasurers if for some reason or other they neglect to perform their duty properly. The county treasurer should come in the same category as any other agent, and I feel that there is ample provision in this bill to take care of a county treasurer if he performs his duty properly in the issuance of hunting licenses without any additional amendment. I ask the House to vote down these amendments.

Mr. ACHTERMAN. Mr. Speaker, I am fearful that the gentleman from Schuylkill, Mr. Schrope, has lost sight of or misunderstands the intent of the amendment. Very frankly, we have made no effort to change the act as he drafted it for the purpose of discharging a county treasurer where he fails to perform the duties of his office. It is only in instances where any effort is made to remove him from the performance of those duties without cause that we say that such a situation should not be permitted in this particular act. It is well a known fact to every member of this House that the county treasurer is the general, accepted agent of the Department of Revenue in each and every county of this Commonwealth. We have heard no reason why that course of action on the part of the Commonwealth should be changed at the present time or why any department should be given the right to discharge without cause a particular agent who has been designated since time immemorial in this State to act as the agent of the State and the county and the only thing that this amendment does is to continue the particular right of the county treasurer to still represent the State of Pennsylvania in the granting of hunting licenses in the State. If he should fail to perform his duties or if he violates this act he could still be discharged. The amendment does not remove that right from the Department of Revenue. In view of that fact I am calling upon the members of the House to support the amendment.

Mr. SCHROPE. Mr. Speaker and members of the House, I shall for the benefit of the members of the House just read the second of the act as it now reads or part of the section: "—and shall recall the apointment of any county treasurer or other agent either upon receipt of evidence that such county treasurer or other agent has not complied with the requirements of this act or upon receipt of a recommendation from the commission that such county treasurer or other agent be recalled because of carelessness or negligence in the issuance of licenses." That is in the act without the amendment and I feel that is sufficient reason to remove a county treasurer without any additional reason.

Mr. ACHTERMAN. Mr. Speaker and members of the House, for the benefit of the gentleman from Schuylkill I will endeavor to read exactly how the section will read if the amendment is adopted. I will read as follows: "The Department of Revnue may recall the appointment of any agent other than county treasurer at any time with or without cause and shall recall the appoint of any county treasurer or other agent either upon receipt of evidence that such county treasurer or other agent has not complied with the requirements of this act or upon receipt of recommendation from the commission that such county treasurer or other agent be recalled because of carelessness or negligence in the issuance of licenses."

I submit to the members of the House that certainly comes within the province and the desire and is in accordance with the wishes of the gentleman from Schuylkill.

I, therefore, again ask the members of the House to support the amendment.

Mr. ROBINSON. Mr. Speaker and members of the House, as a member of the Game Committee, also a member of the sub-committee, it was my understanding in presenting this bill No. 1000 from the Committee on Game for the second time, it would be the last of any amendment, and I am asking this House to pass this bill for third reading at this time without amendment.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER declared the noes appeared to have it,

Whereupon, a division was called for fifty-one members having voted in the affirmative and seventy-seven in the negative, the question was determined in the negative and the amendment were not agreed to.

Article III, Sections 036 to 321 inclusive were separately read and agreed to as follows:

Section 306 The License Certificate Said licenses shall shall be issued on a form prepared and supplied by the Department of Revenue Such licenses shall bear a description of the person applying for the same setting forth the occupation the color of hair and eyes any marks or scars peculiar to the applicant and such other description as the Department of Revenue may require with the date

of its issue In the case of foreign-born applicants such license shall contain the nationality of the person and all dates and numbers of the naturalization papers

All licenses legally issued shall authorize the person named therein to hunt for and kill or trap wild animals or wild birds as specified on the license subject to the restrictions and requirements of existing laws and the regulations of the commission regarding close seasons additional hunting or traping removal of protection or special deer seasons during the period for which the license is issued the date of which is inscribed thereon Said certificate before being valid must be countersigned in ink by the licensee

The license certificate issued with any hunter's license shall be carried on the person of the licensee at all times while hunting or trapping and shall be shown immediately upon demand by any officer whose duty it is to protect wild animals and birds or upon demand by any owner or lessee or by an employe or representative of such owner or lessee upon whose lands such person may be found In addition to showing the license certificate upon demand by any such officer the holder thereof shall upon demand establish his further identity to the satisfaction of said officer by producing some other positive means of identification

Section 307 License Period All licenses shall be issued for the year beginning the first day of September and ending the thirty-first day of August of the year following In all cases however application for such license may be made and a license issued prior to the date upon which such license is in force

Section 308 License Tag The Department of Revenue shall also furnish free of charge and there shall be issued with each license a tag as hereinbefore specified All license tags shall bear the license number in figures at least one inch in height which tag said licensee is required to attach and display on the outer garment on the back between the shoulders in such manner that all figures are plainly visible at all times while hunting The license tag for the current year only shall be displayed

The tag or button issued with complimentary non-resident licenses shall be of such size and form as the commission may determine which tag or button the licensee is required to wear in plain view on an outer garment at all times while using it in such manner that the tag or button and the numerals thereon are plainly visible

Section 309 Persons Authorized to Take Applications for Licenses It is lawful for any justice of the peace magistrate or notary public to take applications for such licenses in writing for which service the applicant shall pay not to exceed fifteen cents in addition to the license fee prescribed said amount to be retained by said official or agent as his fee for taking such application and remitting payment therefor to the issuing agency of the county in which said official is located or to the Department of Revenue Such application and remittance shall be forwarded to the issuing agency or to the Department of Revenue within twenty-four hours with a certification thereon that the applicant has properly established his identity by producing a bank book letters lodge cards police cards a motor vehicles driver's license or by some other positive means of identification

Section 310 Issuing Agents to Keep Record and Make Report Each issuing agency of this Commonwealth shall keep a correct and complete record of all resident and non-resident hunters' licenses issued by him Each issuing agent shall at the close of each week forward a weekly report to the Department of Revenue on blanks furnished to him a complete list of licenses granted during the previous week in correct numerical sequence with names and addresses of licensees and such other information and data as the Department of Revenue may require A duplicate copy of said report shall be forwarded to the director and a triplicate copy of the report shall be retained in the office of the issuing agent which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth or to any landowner or his representative to any representative of the Department of Revenue or to any representative of the Department of the Auditor General

Section 311 Agents to Collect and Remit License Fees Reports Compensation The agents designated by the Department of Revenue for the collection of said license fees for their services rendered in collecting and paying over the same shall as long as they continue to be agents of the Department of Revenue be allowed to retain not to exceed the sum of ten cents from the amount paid for each resident hunter's license and not to exceed twenty-five cents from the amount paid for each non-resident hunter's license which amount shall be full compensation for services rendered by them under the provisions of this act such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law Each issuing agent shall remit all balances arising from this source the end of each week to the State Treasurer through the Department of Revenue upon a form to be supplied by the Department of Revenue which weekly remittance shall be accompanied by a copy of the list of licenses issued during the previous week All such moneys shall be placed in the game fund by the State Treasurer

Every agent designated to issue hunters' licenses unless already under bond to cover the handling of public funds shall give bond to the Commonwealth in the sum of one thousand dollars ($1000.00) before the annual supply of licenses is delivered to him

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunters' licenses shall not be entitled to retain the sum hereinbefore fixed for his services but such sums shall be paid to the State Treasurer and if not so paid may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable

Section 312 Replacement of Lost Licenses and Tags Any holder of a hunter's license who shall lose either the license or the tag issued therewith or both the license and tag upon application to the Department of Revenue or other agent who issued the same accompanied by a sworn statement setting forth the pertinent facts relative thereto and the remaining portion if any of the original and the payment of one dollar shall be entitled to a new license and tag of the same kind and value as the original

The issuing agent shall indicate on the face of the license so issued also on the stub or carbon copy thereof that it is a replacement with the number of the original license The affidavit so filed and any remaining portion of the original license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors

For such services the Department of Revenue may authorize any issuing agent to retain not to exceed the sum of ten cents and remit the balance of the replacement license fee as hereinbefore provided

Section 313 Power to Administer Oaths Each agent who may be authorized or designated by the Department of Revenue to issue hunting licenses and each agent who may be authorized or designated by the Department of Revenue to receive applications for such licenses in accordance with the provisions of this act is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor

Section 314 Seizure of Licenses and Tags Any regular salaried officer of the commission is hereby empowered except where birds or animals are killed by mistake and reported as hereinafter required to seize the hunting license and the tag issued therewith of any person apprehended in the act of violating any game law or any rules or regulations of the commission and who has either been convicted or signed an acknowledgment of violating any game law or rules or regulations of the commission or if such licensee is found using firearms to hunt while under the influence of intoxicating liquor or narcotics

All licenses so seized shall within twenty-four hours be forwarded to the division game supervisor for transmittal to the office of the commission with a report relative thereto The director may upon application of the owner return the license and tag to the owner if he is satisfied that the license should not be recommended to the com-

mission for revocation in the manner hereinafter stipulated

Section 315 Revocation of Licenses Right to Hunt or Trap Denied (1) The Commission may revoke any hunter's license and deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license if said licensee or person has either been convicted or signed an acknowledgment of violating any provision of this act or if such person has been adjudged guilty in the manner hereinafter provided of any of the acts enumerated below for such periods as hereinafter specified

(2) Whether or not legal proceedings have been taken for the arrest and conviction of the offender the director through a referee appointed by him shall have authority to hold a hearing and shall have the power to subpoena witnesses expert and otherwise to administer oaths and to require and receive sworn or affirmed written statements in any case where any person who according to information received while hunting or trapping is alleged

(a) To have been guilty of mutilating or carrying away notices posted by the Commonwealth

(b) To have done damage to real or personal property of any kind

(c) To have caused a forest fire

(d) To have been found under the influence of intoxicating liquor or narcotic drugs while carrying or using firearms or a bow and arrow

(e) To have committed an assault upon a landowner or lessee or employe of such landowner or lessee

(f) To have injured a human being by gunfire or with a bow and arrow

(g) To have inflicted an injury upon himself or otherwise been guilty of carelessness or negligence with firearms or with a bow and arrow

(h) To have upon request failed or refused to render assistance where any person was injured in a hunting or trapping accident

(i) To have caused such an accident and fled or failed to render assistance in hunting or trapping accident

(j) To have violated any other safety provision of this act not specifically above designated

The person so charged shall be given written notice by registered mail addressed to his last known post office address or by personal service upon him stating the time and place of such hearing and shall have the right to appear and to testify or to present witnesses and evidence in his own behalf

Any person who shall be subpoenaed before such referee and shall fail to appear before him without furnishing satisfactory reason for failure to do so or any person who shall appear and furnish false testimony shall likewise be subject to the penalties hereinafter provided

In all such hearings the duly authorized referee shall submit to the commision through the director a certified stenographic transcript together with the findings of facts and recommendations and upon such findings the commission is hereby authorized to revoke the license of the offender and to deny him the right to hunt or trap within this Commonwealth with or without a license for the periods hereinafter provided

(3) Such license revocations shall be for the folowing periods

(a) For the first offense any person convicted or having signed an acknowledgement of violating any of the provisions of this act may be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed two years Any person convicted or having signed an acknowledgment of a second or subsequent offense of violating any of the provisions of this act may be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of not less than two or more than three years For the third offense of violating any of the provisions of this act such person shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for such period as the commision shall determine

(b) For the first offense any person who shall have been convicted or adjudged guilty after a hearing as hereinbefore provided of any act enumerated in clause two of this section may be denied the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed five years Any person convicted or having been adjudged guilty after a hearing as hereinbefore provided of a second or subsequent offense of any of the above-mentioned provisions shall de denied the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed ten years and in addition thereto shall be subject to such other penalties as may be provided in this act

(c) Any Court of record having jurisdiction in any case coming before it involving any of the offenses contained in this section shall have authority to revoke a hunter's license and to deny the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for the several periods herein indicated Certified notice of such revocation shall be submitted to the commission within thirty (30) days following such order

(4) Any person who shall be convicted or denied the right to secure a license or to hunt or trap in this Commonwealth with or without a license where personal injury has resulted shall furnish satisfactory proof to the commission that all hospital and medical bills have been satisfactorily adusted before such license shall be restored

(5) To revoke a license then in force or to deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth for any period the commission shall send a written notice to that affect to such person at his last known address either by registered mail or have it delivered in person by a representative of the commission The commission shall furnish in writing to the Department of Revenue and its license issuing agents the name address and the term for wihich such person has been denied the right to secure a license or to hunt or trap in this Commonwealth

(6) Any person whose license has been revoked by the comission for any of the aforesaid offenses pursuant to a hearing before a referee of the commission shall have the right to file a petition within thirty (30) days after being notified of such revocation for a review of the matter in the Court of Common Pleas of Dauphin County which court is hereby vested with jurisdiction and whose duty it shall be to set the matter down for hearing upon thirty (30) days written notice to the director and to determine whether the petitioner is subject to revocation of license The commission when such appeal is taken shall file with the prothonotary a certified record of the complete proceedings in the matter including a certified excerpt of the resolution of the commission The matter shall be heard by a judge or judges of the court without a jury and the proceedings before the commission and its referee conducting the investigation shall be given similar weight force and effect as are accorded to the findings and reports of a referee selected or appointed under the provisions of the act approved the fourteenth day of May one thousand eight hundred and seventy-four entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" and its supplements

Section 316 Certain Acts Declared Unlawful It is unlawful for any person

(a) Except in the defense of person or property to hunt chase shoot at take or kill or pursue with intent to take kill or wound any wild birds or wild animals by any method including the use of dogs without first securing a license and license tag as hereinbefore required and wearing such tag and showing or displaying such licenses as required by the provisions of this article but nothing in this clause shall be construed to prevent any person under the age of eighteen years to trap for furbearing animals or predators without securing a license

(b) Under the age of twelve years to receive a hunting license under any circumstances whatsoever

(c) Under the age of sixteen years to receive a hunting license without presenting a writtten request therefor bearing the signature of his father or mother or legally constituted guardian

(d) Under the age of sixteen years to use firearms of any kind or a bow and arrow for the purpose of hunt-

ing any wild birds or wild animals unless accompanied by a parent or guardian or some other member of his family twenty-one years of age or older unless such hunting is done on the premises whereon such person resides

(e) To procure a license under an assumed name or in which an address other than his legal place of residence is given or to make any false statement whatsoever in securing a license

(f) To lend or transfer a license or tag to another

(g) To issue or aid in securing a license under the provisions of this act for himself or any other person not legally entitled thereto

(h) After a license has been seized by a regular salaried officer of the commission to procure another license under his own or an assumed name or to hunt or trap anywhere pending the decision of the director or the commission

(i) After being denied the right to hunt or trap by action of the commission or a court to hunt or trap anywhere within the Commonwealth during the period such right has been denied with or without a hunter's license

Section 317 Legal Hunting or Trapping by Residents Without License Nothing in this article shall be construed to prevent any citizen of the United States residing within this Commonwealth from having a gun in his home or from using such gun in defense of either person or property or from shooting at targets or to prevent any bona fide owner or any bona fide lessee of lands within this Commonwealth or any member of the family or household or regularly hired help of such owner or lessee if such person is a citizen of the United States actually residing upon and cultivating such lands from hunting or trapping thereon or by and with the consent of the owner thereof from hunting or trapping upon the lands immediately adjacent and connected with his own lands without securing the license provided for by this article unless the commission has denied or this act does deny to such person the right to hunt or trap anywhere

Section 318 Prima Facie Evidence of Hunting For the purpose of this act the fact that any person shall be found in possession of a gun trap or other device of any description useable for the purpose of killing or taking wild birds or wild animals or in the possession of the dead body of any wild bird or wild animal either in the field in the forests on the public highways or on the waters of this Commonwealth shall be considered "prima facie evidence" that such person is hunting and shall require him at all times to display his license tag for the current year as provided in this article and to show immediately upon demand his resident or non-resident hunter's license to any officer whose duty it is to protect the wild animals and birds or to show his license immediately upon demand by any owner or lessee or by any employe of representative of such owner or lessee upon whose lands such person may be found

In all cases of arrest for violation of any of the provisions of this section except where the dead body of any wild bird or wild animal is found in possession of the accused the affidavit of the person charged with such violation and satisfactory proof of his innocence shall rebut what is termed "prima facie evidence" in this secton

Section 319 Deposit and Return of Penalties Any person displaying his license tag properly but unable to produce immediately upon demand his hunter's license may at once sign a proper acknowledgement and deposit with the officer accosting him the fine of twenty dollars stipulated in this article for which such officer shall give an official receipt Such fine shall as soon as possible be forwarded by the officer in question to the commission with a report covering the case If the defendant desires a return of a fine so paid he shall file at the office of said commission at Harrisburg within twenty days an affidavit stating fully the reasons why he was unable to display said license immediately and give his description place of residence license number where same was secured and its date or attach the license itself whereupon said commission if satisfied that the purpose was not to violate the provisions of this article shall return such fine to the defendant otherwise it shall be deposited as hereinafter provided and the case considered closed

Section 320 Report of Game Killed Not later than January fifteenth following the date of issuance or such other date as the commission may fix of any resident or non-resident hunter's license issued under the provisions of this article it shall be the duty of the licensee to forward to the commission at Harrisburg on a form attached to such a license or on a substitute form containing like information if the original form has been mislaid or lost a report of all game birds and game animals and fur-bearing animals if the form provides space therefor killed by such licensee during the previous open season

Section 321 Penalties Any non-resident of this Commonwealth who shall hunt chase trap take shoot at wound or kill or attempt to hunt chase trap take shoot at wound kill or have in possession any wild birds or animals without a non-resident hunting license having been lawfully issued to him shall be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense and each day shall be considered a separate offense

Any person who shall fail to sign his license certificate as hereinbefore provided shall be sentenced to pay a fine of one dollar and costs of prosecution

Any licensee who shall fail to submit to the commission the report of game birds or animals or fur-bearing animals as required by this act shall be sentenced to pay a fine of two dollars and costs of prosecution

Any person who violates any of the provisions of this article except as above provided shall upon conviction be sentenced to pay a fine of twenty dollars and costs of prosecution for each offense Provided That an additinoal fine of twenty dollars and costs of prosecution shall be imposed when any person is convicted of

(a) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or by this act and each day shall be considered a separate offense

(b) Securing a hunter's license either in his own or an assumed name during any period of time that he has been denied such privilege by the commission

(c) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or any court of record because of inflicting bodily injury upon himself or any other person while hunting or trapping shall upon conviction in addition to the penalties provided be sentenced to suffer imprisonment for a period of thirty (30) days

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person covicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Article IV, Section 401 was read as follows:

ARTICLE IV

Special Permits

Section 401 Commission Empowered to Grant Permits Under the conditions and limitations hereinafter prescribed the commission may grant permits at its discretion to citizens of the United States who unless otherwise specified shall be residents of the Commonwealth and twenty-one years old or over which permits shall be in such form as the commission may determine and shall expire on May thirty-first of each year and which may be revoked or suspended at any time at the discretion of the commission Such permits shall not be transferable Such permits may be issued

(a) To any person of known scientific attainment in ornithology or mammalogy or to any agent of any public museum in this Commonwealth

(b) To any person desiring to practice taxidermy who shall have served a regular taxidermy apprenticeship for a minimum of four months under the supervision of a museum of recognized standing or under the supervision of a qualified and licensed taxidermist and to any person holding a taxidermist license which expires on the thirty-

first day of May one thousand nine hundred and thirty-seven provided the commission may by resolution set up a system of examinations to determine the fitness of all applicants for such permits including the establishment of appropriate fees covering the cost of such examinations

(c) To fur dealers or their authorized employes operating from their established place of business purchasing or receiving raw furs for commercial purpose

(d) To any person within the Commonwealth desiring to propagate the game in captivity for commercial purposes

(e) To any person desiring to operate regulated shooting grounds

(f) To any person desiring to possess propagate or sell ferrets or the European member of the ferrett family known as the fitch

(g) To any person within the Commonwealth desiring to propagate fur-bearing animals for commercial purposes

(h) To any person within the Commonwealth desiring to maintain a roadside menagerie for the purpose of exhibition or attracting trade and

The commission also may issue permits under other articles of this act as therein provided for and such other permits with or without charge as it may find essential to control the taking or possession of wild birds or wild animals or any part thereof

No person so long as he is legally acting under the authority of a permit issued by the commission shall be liable to any of the penalties provided for in this act

On the question,

Will the House agree to the section?

Mr. LaRUE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 401, page 38, lines 17 and 18, by striking out: all of said lines.

Amend section 401, page 38, line 19, by striking out the letter "(f)" and inserting in lieu thereof the letter: "(e)"

Amend section 401, page 38, line 22, by striking out the letter "(g)" and inserting in lieu thereof the letter: "(f)"

Amend section 401, page 38, line 24, by striking out the letter: "(h)" and inserting in lieu thereof the letter "(g)"

On the question,

Will the House agree to the amendments?

Mr. SCHROPE. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. LaRue.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. LaRUE. I will, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, it was rather difficult to follow those amendments. There were too many letters to strike out. Will the gentlemtn kindly explain what, in his opinion, the amendments do.

Mr. LaRUE. Mr. Speaker, in reply to the question of the gentleman from Schuylkill, there are three pages of amendments to cover one section of the bill, namely the regulated shooting grounds. They pertain only to that particular section of the bill and will strike out the entire section on regulated shooting grounds.

Mr. SCHROPE. Mr. Speaker and members of the House, this particular section of House Bill No. 1000 probably was discussed more than any other section by the committee. It was recommitted about three or four weeks ago and the committee again discussed this section at that time. Mr. LaRue happens to be a member of that committee. We discussed the various features of regulated hunting grounds and the committee agreed to that section of the bill

For the information of the members I will state what the regulated shooting grounds do and what they do not do and I will try to be very brief. In the first place, there are between fifteen and twenty regulated shooting grounds in our State today with absolutely no regulation over them. I have taken the matter up with various lawyers, including Judge Ladner of Philadelphia, who said we had no control over those shooting grounds to prohibit them, though we may regulate them by the provisions of the Constitution. This regulated shooting grounds section does no more than to permit those who are willing to spend the money upon one hundred or more acres of land, stock it with only ring-necked pheasants and mallard ducks and if they stock those regulated shooting grounds, they must turn over to the State twenty-five percent of the birds that they liberate or raise, and in addition provide hunting territory adjacent to the shooting grounds equal to one-half of the area. The shooting grounds cannot be enclosed by any fence whereby the birds may not escape. The entire question that arises in the mind of Mr. LaRue is this: it provides a special privilege for those who have the means to take advantage of it. We cannot disagree on that because a man who has the means has a special privilege in all classes of sports or work. But I would challenge the gentleman from Berks, Mr. LaRue, to show that at any time this section will take away from the average sportsman any of his sport for you cannot deny the fact that the regulated shooting grounds must provide additional shooting for the man who cannot even afford it.

I hope that the day will come when all the millionaires in this State become interested in this type of sportsmanship, and raise game by which they give to us twenyt-five percent of that which they raise, and likewise provide shooting grounds. There is nothing in this section that will in any way take away any of the advantages that the average sportsman has, but instead it will provide better shooting, and that the opponents of this section cannot deny. That to my mind is the only thing that we can be interested in: the very fact that this section which provides for these shooting grounds will also provide better shooting and better hunting for the average sportsman, and that should be our aim in considering this and passing bill. I ask the members of the House to vote down this amendment.

Mr. LaRUE. Mr. Speaker and members of the House, It is true that the committee voted down these amendments by a vote of eight to five, out of a membership of that committee of twenty-five men. So, you see the vote was rather close and had all the members of that committee attended that meeting the decision of the committee might have been reversed. We feel that this is special legislation for a special group who can afford it and is in line with the practice that is followed in England. We do not feel that the Commonwealth of Pennsylvania should be governed by the laws that are in vogue in England. We feel we can take care of our own situation in Pennsylvania very well without regulated shooting grounds.

Mr. Schrope has told you we have no control over private shooting grounds today. I want to say under these amendments you would have control over private shooting grounds as they are today by providing that such private shooting grounds come under the provisions of this act governing the taking of wild reared game. He has also

told you that the regulated shooting grounds will have to release at least twenty-five percent of the game which they propagate and shall provide land for free hunting. That is very true. If you go out into our small game hunting land and you come to a section that might be good cover-up, consisting of four or five hundred acres, which is covered with a lot of boulders and high weeds where game will seek cover, and under this particular section of the bill provide the regulated shooting grounds, the owner is compelled to open up an area which is private and if that area which is opened up to the public is farm land, which is cultivated, there is very little food there and nothing to draw the game there, that game by feeding it in the private area will immediately return from the open area into the private area, and the average hunter will have no advantage of the twenty-five percent of the game that is released and supposed to be shot by the public.

Another provision of the regulated shooting grounds, it extends the season until the last day of December, whereas the average hunter does not enjoy that privilege, as he may only hunt until the last day of the open season, which is usually a day or two prior to the first day of December. The Federation of Sportsmen's Clubs met here in caucus on February 12th, which is the general practice, and prior to this year separate bills were introduced in the Legislature for this particular thing, and in every caucus that I have attended of the Federation this particular measure has been voted down by the Federation. You may be told on the floor of the House tonight that the Federation is in favor of this particular section of the bill. Several representatives of the Federation appeared here about a week or so ago and they did go on record as individuals but in no way was the general membership of that Federation in this matter of regulated shooting grounds.

I have a letter before me tonight from the Secretary and Treasurer of the Federation, dated May 5th, from which I shall quote:

"How is House Bill No. 1000, with the game code amendments coming along? I was very glad to hear you make the stand that you were against the shooting preserve section, and it would please me and the organization, which have voted against this very thing for years, the United Sportsmen of Pennsylvania if the whole section was thrown out. We are against special privileges of any kind."

That is the thought of the secretary and treasurer. Judge Ladner, who was President of the Federation, went on record for that particular section, but I am telling you the thought in a caucus of the Federation when sixty-seven counties were represented here, to the effect that they always went on record as being opposed to any regulated shooting grounds, and I am going to ask the membership to support me in these amendments.

Mr. SIMON. Mr. Speaker and members of the House, I do not wish to enter into any discussion on this bill, but as my county has a very active Fish and Game Association, which is a member of the Association of Federated Sportsmen of Pennsylvania I want to read into the record a telegram from them tonight, which is as follows: "House Bill No. 1000 is O. K. Your support will be appreciated."

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. LaRUE and Mr. ACHTERMAN and were as follows:

YEAS— 32

Achterman,	Holland,	Moomaw,	Rush,
Balthaser,	Holstrom,	Moul,	Shoemaker,
Boles,	Hontz,	Muir,	Smith, John A.,
Boltz,	Jirolanio,	O'Connor,	Tronzo,
Dougherty,	Kelso,	Patterson, C. S.,	VanAllsburg,
Habbyshaw,	LaRue,	Readinger,	VanSickle,
Harkins,	Lopresti,	Rothenberger,	Woodside,
Hess,	Lovett,	Royer,	Wilson,

NAYS—129

Allen,	Fitch.	Melchiorre.	Sloan,
Allmond,	Flannery,	Mellott,	Smith, James A.,
Arnold,	Ganser,	Merrell	Snyder,
Aukerman,	Gerard,	Mihm,	Spengler,
Baine	Gillette,	Mooney,	Sproul,
Baker, F. T.,	Gorski,	Moran,	Stackpole,
Baker, J. J.,	Haberlen,	Munley,	Stank,
Bierly,	Hall,	Nagel,	Stewart,
Bohn,	Hamilton, F. P.,	O'Brien,	Stockham,
Boose,	Hamilton, R. S.,	O'Keefe,	Strode,
Boyer,	Harmuth,	O'Neill,	Thomas,
Bradley,	Hays,	Ostroff,	Thompson,
Brigerman,	Hering,	Perry,	Toole,
Broad,	Hetrick,	Powers,	Trout,
Brownfield,	Hindman	Preston,	Tumelty,
Cadwalader,	Hirsch,	Reese,	Valibus,
Caesar,	Huntley,	Reising,	Wagner,
Caputo,	Imbrie,	Richter,	Wall,
Cohen, R. E.,	Kane,	Robinson,	Walsh,
Costanzo,	Keenan,	Sarraf,	Wampole,
Davies,	Kilroy,	Scanlon,	Watkins,
Decker,	Kline,	Schor,	Webster,
DeNote,	Kroll,	Schrock,	Weiss, D. H.,
Dickinson,	Lewis,	Schrope,	Welsh,
Donohoe,	Longaker,	Schumacher,	Winner,
Downey,	Marino,	Serrill,	Wood,
Dubbs,	McCullough,	Shaw,	Wright,
Dyson,	McDermott,	Shea,	Yanoshat,
Eckels,	McDevitt,	Shugarts,	Yourishin,
Elpern,	McElroy,	Siegel,	Zappala,
Falkenstein,	McGee,	Simon,	Furman,
Finnerty,	McShane,	Skale,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The SPEAKER. The Chair would like to call to the attention of the members that in the discussion of amendment they are out of order if they divulge the proceedings of the committee that considered this bill or any other bill. The Chair has noticed this happening in various instances and wishes to call it to the attention of the members. The proceedings of committees shall not be divulged on the floor of the House.

Article IV, Section 402 was read as follows:

Section 402 Applications for Permits Any person firm association or corporation desiring a permit as provided for in this article shall present an application therefor on forms supplied by the commission and shall pay to the director five dollars except in the following cases Taxidermists desiring to practice taxidermy for profit shall pay twenty-five dollars fur dealers who have resided permanently in this Commonwealth for the preceding twelve months or more purchasing or receiving raw furs for commercial purposes shall pay ten dollars non-resident fur dealers purchasing or receiving raw furs for commercial purposes in this Commonwealth shall pay fifty dollars persons desiring to operate regulated shooting grounds shall pay twenty-five dollars for the first one hundred acres in the tract so used and five dollars for each additional one hundred acres or fraction thereof and breeders and dealers in ferrets or fitches shall pay twenty-five dollars

The application shall be accompanied by the written statement of at least two well known citizens of the com-

munity in which the applicant resides certifying to his good character and to his fitness to be intrusted with the authority granted by such special permit

In the case of applications for permits by firms associations or corporations the application shall bear the name of the president or general manager and the permit shall be isued in his name All applications for propagating permits and regulated shooting grounds permits shall be accompanied by a written description and a map or sketch of the premises to be used for such purpose with the location thereof

On the question,

Will the House agree to the section.

Mr. LaRUE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 402, page 38, lines 18 to 22, inclusive, by striking out after the word "dollars", in line 18, and ending with the word "thereof," in line 22, the following: "persons desiring to operate regulated shooting grounds shall pay twenty-five dollars for the first one hundred acres in the tract so used and five dollars for each additional one hundred acres or fraction thereof."

Amend section 402, page 40, line 5, by striking out after the word "permits": the words "and regulated shooting grounds permits."

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

Mr. LaRUE. Mr. Speaker, I withdraw my amendments to Article IV, Section 402 and all my other amendments.

On the question recurring,

Will the House agree to the section?

It was agreed to.

Article IV, Sections 403 to 408 inclusive were separately read and agreed to as follows:

Section 403 Reports by Holders of Permits Inspections Within sixty days after the expiration of any permit the holder thereof shall file a sworn statement on blanks supplied by the commission whether an application is submitted for a renewal thereof or not covering all his transactions thereunder No renewal permit shall be granted unless each report has been submitted

The holder of each permit shall keep a record of all transactions thereunder and such record together with all plants and premises shall be open to inspection upon demand of any member or officer of the commission The permittee also shall answer without evasion any question relative to the ownership of any bird or animal or part thereof found in his possession or under his control or that has passed through his hands that may be asked by any member or officer of the commision

(a) Permits for Scientific and Museum Collecting

Section 404 Collecting Permits authorizing the holder to collect birds their nests with eggs found therein and animals protected by this act for exhibition in public museums or scientific study or school instruction may be issued to (a) person of known scientific attainment in either ornithology or mammalogy for scientific study whether residents of this Commonwealth or not or (b) agents of public museums for exhibition purposes whether residents of this Commonwealth or not During the period covered by such permits unless the commission by resolution in special cases authorizes the taking of a larger number of birds and animals may be taken in numbers not to exceed the following

	Number of Specimens of each Species	Number of nests of each species and eggs found therein
(a) Scientists in ornithology or mammalogy		
Protected birds	20	4
Game birds	15	4
Game and fur-bearing animals	15	
(b) Agents of public museums		
Protected birds	10	2
Game birds	5	2
Game and fur-bearing animals	5	

The permit shall indicate the classification of said permit and the number of specimens that may be taken thereunder

It is unlawful for the holder of a collecting permit to sell or exchange or ship from or remove out of this Commonwealth without the written consent of the director any birds or nests or eggs or animals collected It is unlawful for the holder of any collecting permit to take in one year more than the number of birds nests with eggs or animals of any species than herein stipulated except as authorized by resolution of the commission

(b) Permits to Practice Taxidermy for Profit

Section 405 Permits to Taxidermists Permits issued to persons residing within this Commonwealth desiring to practice taxidermy for profit shall authorize the holder thereof to receive from any person any bird or animal that has been legally or accidentally killed and to keep such specimen or any part thereof in possession indefinitely and to tan or cure the same either himself or through any legitimate employe to sell or dispose of any unclaimed specimen to any person for the mounting charge only and to mount and sell any bird or animal which was raised under authority of a propagating permit Before any such specimen is sold shipped or transported to a non-resident of this Commonwealth a permit shall be obtained from the director

No taxidermist shall mount or tan any bird or animal or part thereof protected by the game law which was not lawfully killed during the open season or under the authority of a propagating permit until the owner thereof presents a permit obtained from the commission

It is unlawful for any person within this Commonwealth to practice taxidermy for profit without a permit issued by the commission It is lawful for the holder of any such permit to ship from or remove or permit the removal out of the Commonwealth of any specimen of a bird or animal or part thereof protected by this act which was legally taken or is otherwise legally possessed by a non-resident of this Commonwealth and shipped or delivered to the holder of such taxidermy permit for mounting or tanning or to any person or firm lawfully engaged in fur-dressing tanning or taxidermy in other states solely for the purpose of dressing tanning or mounting and return to such permittee

(c) Permits to Fur Dealers

Section 406 Permits to Fur Dealers Permits issued to persons to act as fur dealers shall authorize the holder thereof to receive or to purchase and to re-sell raw furs for commercial purposes

Regular authorized employes of fur dealers who hold a resident fur-dealer's permit and operate from the established place of business of such permittee may be issued a special employe's permit upon application submitted by the employer the cost of which shall be the minimum fee hereinbefore fixed which shall authorize said employe to receive or purchase raw furs for his employer anywhere in the Commonwealth No such permit shall be required when the employe is purchasing furs only at his employer's regularly established place of business

A permit issued to a non-resident firm or corporation

authorizing such firm or corporation to receive or to purchase and to re-sell raw furs in this Commonwealth for commercial purposes shall authorize not to exceed three members of said firm or corporation or one employe thereof to use said permit for the purpose of purchasing raw furs in this Commonwealth The names and addresses of such persons shall be clearly indicated on the face of the permit which shall at all times be carried by the person using it

It is unlawful for any person to purchase or receive or re-sell or to aid or assist in the purchase or re-sale of raw furs for commercial purposes without a permit as herein required issued by the commission

(d) Permits to Propagate Game for Commercial Purposes

Section 407 Permits to Propagate Game Permits to propagate game issued to persons and to associations and corporations shall authorize the holder thereof and his or its assistants to have in possession and to breed or raise game of any kind and to sell or barter or give away the same dead or alive or the eggs of game birds at any time under the regulations hereinafter provided

It is unlawful to have in possession for the purpose of breeding or to raise game of any kind in captivity and to sell or otherwise dispose of the same or to sell eggs of game birds so produced without a propagating permit except game bred or raised and released for stocking purposes in a wild state or sold to the commission or bred and raised for home consumption on the premises only

Section 408 Premises used by Propagating Permittees For raising small game the premises used by holders of propagating permits may be of such size as the operator thereof deems best suited to his purposes so long as the premises so used are surrounded by a tight woven wire fence with a minimum mesh of two inches and not less than six feet high

For raising elk or deer the premises shall be surrounded by a wire fence of approved pattern with a height of not less than eight feet so constructed and maintained as to absolutely prevent wild elk or deer from entering in any manner into said premises Before the fence surrounding any such premises shall be closed all wild elk and deer that may be upon said territory shall as far as possible be driven thereupon by the owner under the direction of an officer of the commission

Article IV, Sections 409 to 419 were read and agreed to as follows:

Section 409 Disposing and Removing Game From Propagating Premises Where game of any kind is raised or eggs of game birds are produced on premises under authority of a propagating permit such game or eggs may be sold or given away and such game may be shipped alive from said enclosure for propagating purposes or may be killed in any manner within said enclosure for sale or gift without regard to sex or numbers at any time of the year under the following regulations but no small game may be killed by shooting within such enclosure except in accordance with the provisions of this act or regulations adopted by the commission governing the taking of such game in a wild state

Before any live game of any kind raised under authority of any propagating permit is shipped out of the Commonwealth it must be offered to the commission for propagating purposes and the director shall within ten days advise the permittee whether it desires to purchase the same If not purchased by the commission it may be shipped to any other state or nation if properly tagged as hereinafter provided Game so raised when dead may be shipped anywhere if tagged properly

Before any game propagated or eggs produced under authority of any propagating permit are shipped or removed from any premises the permittee shall apply to the commission for a tag which shall be supplied at cost Said tag shall be composed of two parts and when detached one part thereof containing the name and address of the purchser and the kind and manner of game or eggs shipped or removed shall be attached to the container or the bird or animal The other part of the tag containing the information required shall immediately be returned to the commission by the permittee

The tag attached to a container or a bird or animal shall so remain until the eggs are removed from the container or the living bird or animal is released from the container or the dead body of any bird or animal is cut up for retail purposes or final consumption at which time the tag shall be removed by the person receiving the eggs or finally disposing of the bird or animal and shall at once be forwarded to the commission

It is unlawful for any permittee or his agent or employe to neglect to return to the commission any tag with the information thereon required or to kill sell give away remove or ship any game bred or so raised or eggs of game birds produced under the authority of any propagating permit except in compliance with the provisions of this section

It is unlawful for any person to neglect to remove and return to the commission any tag attached to any container or to any bird or animal except in compliance with this section

It is unlawful for any person wilfully or wantonly to remove or mutilate or destroy any tag attached to any container or bird or animal according to the provisions of this section except in the manner and at the time and place provided for in this section

It is unlawful for any person to wilfully use any tag of the kind provided for in this section for the carrying removal or shipment of game or the eggs of game birds taken or killed outside of premises used for propagating game under authority of a permit or for the purpose of a second shipment of game or eggs from any such premises

(e) Permits ot Operate Regulated Shooting Grounds

Section 410 Permits to Operate Regulated Shooting Grounds Any person association or corporation desiring to operate regulated shooting grounds upon which to propagate and release annually a minimum of one hundred of any of the following species of game birds namely pheasants chukar partridges or mallard or black ducks or upon which to release such numbers and species of birds when legally propagated or purchased for shooting and other purposes on lands owned or leased by him or it shall first secure a regulated shooting grounds permit from the commission The application in addition to other information required by the commission shall state the approximate number of each of the foregoing species of game birds to be reared or purchased and released for shooting purposes on said property during the ensuing year

No regulated shooting grounds permit shall be issued for less than one hundred (100) acres in one tract of land or land and water combined nor shall such permit be issued until the commission has satisfied itself that said shooting ground will not be inimical to the public interest and until the owners have agreed to make available an open public hunting area of equal size or larger contiguous thereto which shall be an area equal to at least one-half of the area of the regulated shooting grounds with public hunting and access assured thereto

The boundary of the premises so licensed shall be marked by a single strand of wire or other fence and shall be posted with printed notices not more than one hundred yards apart and containing such working as the commission may prescribe

Section 411 Shooting Restrictions on Regulated Grounds Such permits shall entitle the holder or holders thereof and their guests to kill or take by shooting only (a) not to exceed sixty per centum of the pheasants and chukar partridges and ninety per centum of the mallard or black ducks propagated or purchased and released on the premises each year said propagation or release to be established to the satisfaction of the commission or (b) if prior to the shooting season the holder or holders of such permits turn over to the commission for stocking purposes elsewhere twenty-five per centum of the birds ready to be released for shooting purposes such birds being full-winged first quality stock and in equal numbers as to sex the permittee shall be entitled to take by shooting only all of the remaining seventy-five per centum of the birds propagated or purchased for shooting purposes

All game birds released on said regulated shooting grounds shall be full-winged and fully able to care for themselves in a wild state and wherever the commission deems it desirable all mature birds released shall bear a metal leg band of a type approved by it Such propagated or released birds may be taken without regard to sex or age or daily or season bag limits so long as not more than the specified percentages herein enumerated are taken during the shooting period below authorized but no shooting for pheasants chukar partridges or mallard or black ducks shall be done on said premises prior to the date and hour of the general state-wide open season for small game as fixed by this act or the commission nor after December thirty-first of any year

All species of game other than those specified found on the premises covered by such regulated shooting grounds permits may be taken on said premises only under the general provisions of the law governing seasons bag limits etc

Every person hunting on such regulated shooting grounds or participating in a shoot held under a regulated shooting grounds permit shall be possessed of a resident or non-resident hunter's license for the current year as required by law

Section 412 Tagging Birds Killed Retriever Trials Before any propagated or released game killed under the provisions of a regulated shooting grounds permit shall be consumed on the premises or removed therefrom the permittee shall attach a tag to each bird killed such tags to be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require Said tags shall remain attached to the individual birds until prepared for consumption and shall not be used more than once

Dogs may be trained or retriever or field trials may be conducted at any time of the year upon the premises covered by a regulated shooting grounds permit but during the period from January sixteenth to the opening day of the general hunting season no game birds shall be killed while so conducting retriever or field trials unless a special permit as required elsewhere in this act has first been obtained

It is unlawful for any person to take any of the game birds enumerated in this section contrary to the provisions thereof or to remove from the premises covered by a regulated shooting grounds permit or to consume thereon any propagated or released pheasants chukar partridges or mallard or black ducks killed in accordance with the provisions of this section which have not been tagged as herein required

(f) Permits to Possess or Propagate Ferrets or Fitches

Section 413 Permits to Possess Breed and Sell Ferrets and Fitches It is unlawful for any person to breed or to sell ferrets or fitches or to offer to sell ferrets or fitches either for himself or as the agent of another or to have any ferret or fitch in his possession except by virtue of a permit issued by the commission which permit when issued for the possession only of ferrets or fitches shall indicate the number of such animals the permittee is authorized to possess A separate fee shall be required for each animal covered by a possession permit

It is unlawful for any breeder or dealer in ferrets or fitches to sell or for any common carrier or the agent of any common carrier to deliver any ferret or fitch to any person within this Commonwealth unless the person to whom such ferret or fitch is to be sold or delivered shall possess a proper permit to have such animal in possession Proof to the satisfaction of the person selling or delivering any ferret or fitch of the possession of any such permit must be required by the production of the permit or by inquiry made to the commission and a record shall be made of all sales by dealers showing the name address ferret or fitch permit number and date of such permit before the sale is consummated

(g) Permits to Propagate Fur-Bearing Animals for Commercial Purposes

Section 414 Permits to Propagate Fur-Bearing Animals Any person association or corporation resident within this Commonwealth desiring to propagate animals classed as fur-bearing animals in an enclosure or pen for commercial purposes shall first secure a permit from the commission

Section 415 Disposing and Removing Fur-Bearing Animals from Fur Farm Where fur-bearing animals of any kind are raised in pens or approved fenced enclosures under the authority of a fur-propagating permit they may be sold or given away and shipped alive or may be killed and pelted within said enclosures without regard to sex or numbers at any time of the year under the following regulations

Before any fur-bearing animals may be removed from the enclosure the permittee must secure from the commission a tag which shall be supplied at cost Said tag shall be composed of two parts and when detached one part thereof containing the name and address of the purchaser and the kind and number of animals either alive or dead or pelts shall be attached to the container of the animals or pelts The other part of the tag containing the information required shall be immediately returned to the commission The tag attached to the container of the animals or pelts shall remain attached until the animals or pelts are delivered to the consignee when said tag shall at once be returned to the commission

Section 416 Marshes Not Fenced The owner or owners or bona fide lessee or lessees of marshes or other land and water areas naturally inhabited or stocked with muskrats who may desire to operate a fur farm without fencing may obtain a permit as provided in this article and therefore shall comply unless otherwise provided with all provisions of this act

Upon making application for a permit to operate a fur farm on a marsh land or water area not fenced the applicant shall give the approximate area and location of such proposed farm The permittee shall post such areas with notices setting forth that this is a licensed fur farm such notices to be posted at conspicuous places and not to be more than one hundred and fifty yards apart Fur-bearing animals raised under a permit on a marsh or other area not fenced cannot be killed or pelted except during the open season for the taking of fur-bearing animals A permit may be issued by the commission to the permittee to take alive for exchange or breeding purposes not more than ten muskrats of both sexes in any one year

(h) Permits to Maintain Roadside Menageries

Section 417 Permits for Roadside Menageries The commission may grant permits for roadside menageries which are hereby defined as any place where one or more wild animals are kept in captivity upon any street or highway or upon land public or private adjoining any street or highway or upon land public or private in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade

The term "roadside menagerie" shall not include the exhibition of any animal by any educational institution or in any zoological garden or in connection with any theatrical exhibition or circus The term "wild animal" as used in this section shall mean any animal wild by nature as distinguished from the common domestic animals whether or not such animal was bred or reared in captivity

No permit shall be granted by the commission until it is satisfied that the provisions for housing and caring for such wild animals and for protecting the public are proper and adequate and in accordance with the standard therefor established by the commission

The commission shall adopt and enforce rules and regulations for the housing care treatment feeding and sanitation of wild animals kept in roadside menageries and for the protection of the public from injury by such wild animals

It is unlawful for any person to keep any wild animal in captivity upon any street or highway or upon land public or private adjoining any street or highway or upon land public or private in the vicinity of any com-

mercial establishment for exhibition or the evident purpose of attracting trade or to have any wild animal in his custody or control for such purpose unless a permit has been issued by the commission

Section 418 Act Not to Apply to Certain Cases This act shall not be construed to apply to or prohibit the taking or possession of birds and animals by any public zoological garden of the State or any public institution within the State maintained for scientific purposes or receiving appropriations from the State wherein animals or birds are maintained alive for educational purposes or for the purpose of scientific study or experiment

Section 419 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For the sale or exchange or shipment or removal out of this Commonwealth of birds or nests or eggs or the taking of birds or eggs or nests contrary to the provisions of this article by agents of museums or persons of scientific attainment in ornithology or mammalogy acting under the authority of any permit twenty-five dollars

(b) For the practice of taxidermy for profit without a permit as provided in this article twenty-five dollars and in addition thereto twenty-five dollars for each specimen of a bird or animal protected by this act mounted or in possession for mounting

(c) For the mounting sale or shipment or removal from or permitting the removal from the Commonwealth by the holder of any taxidermy permit of each specimen of a bird or animal protected by this act contrary to the provisions of this act twenty-five dollars

(d) For a resident of the Commonwealth purchasing or receiving or re-selling raw furs for commercial purposes without a permit as provided in this article twenty-five dollars

(e) For a non-resident of the Commonwealth purchasing or receiving or re-selling raw furs for commercial purposes without a permit as provided in this article one hundred dollars

(f) For the breeding or propagating of game or fur-bearing animals in captivity without a propagating permit contrary to the provisions of this article twenty-five dollars for each bird or animal so bred or propagated

(g) For neglecting to return to the commission the part of the tag not attached to the container or bird or animal with the information thereon required or for the killing or selling or giving away or removing or shipping of game or fur-bearing animals bred or propagated or eggs produced by the holder of any propagating permit or his agent or employe contrary to the provisions of this article twenty-five dollars

(h) For neglecting to remove and to return to the commission as provided in this article the tag attached to any container or to any bird or animal ten dollars

(i) For wilfully or wantonly removing or mutilating or counterfeiting or altering or destroying a tag attached to a container or bird or animal contrary to the provisions of this article twenty-five dollars

(j) For wilfully using any tag for the carrying or removing or shipping of game or fur-bearing animals or the eggs of game birds taken or killed outside of premises for propagating game or fur-bearing animals under authority of permit or for the purpose of a second shipment of game or fur-bearing animals from any such premises contrary to the provisions of this article twenty-five dollars

(k) For taking any game birds on premises covered by a regulated shooting grounds permit in excess of the numbers fixed by the provisions of this article or for taking or capturing such birds by any method other than by shooting or for consuming on the premises or removing therefrom any propagated or released pheasants chukar partridges or mallard or black ducks killed in accordance with the provisions of this article with reference to regulated shooting grounds which have not been tagged as herein required or for attempting to operate such regulated shooting grounds contrary to any other provisions of this article fifty dollars

(l) For the breeding or selling or offering for sale or having in possession or delivering any ferret or fitch contrary to the provisions of this article twenty-five dollars for each ferret or fitch

(m) For maintaining a roadside menagerie for the purpose of exhibition or attracting trade contrary to the provisions of this article or for failure to comply with the regulations of the commission relative to the housing and care of such animals twenty-five dollars

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and cost of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Article V, Section 501 was read as follows:

ARTICLE V

Hunting Seasons Bag Limits

Section 501 Open Seasons After investigation or information otherwise obtained by the commission as to the annual game supply the commission may by appropriate rules and regulations a summary of which shall be published as hereinfater specified fix seasons shooting hours and daily season and possession limits or remove protection and declare an open season or increase reduce or close seasons or increase or reduce bag limits for all species of game birds and game animals throughout the Commonwealth or in any part thereof or limit the number of hunters in any designated area and prescribe the methods of hunting therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such species or when an unbalanced sex ratio exists which in its opinion should be corrected or when in the opinion of the commission such additional open season will not jeopardize the future supply of game

If in any year the commission fails to establish such seasons or bag limits the open seasons and bag limits for game Sundays excepted unless otherwise provided by this act shall be as below indicated

Kind of Game	Open Season
Woodchuck commonly known as ground hog	July 1st to Sept 15th
Raccoon	Oct 15th to Dec 31st
Wild turkey ruffed grouse male pheasant bobwhite quail gambel quail valley quail grackles commonly known as blackbirds rabbit hare and gray black and fox squirrel	Nov 1st to Nov 30th
Hungarian partridge and Chukar partridge	No open season except as fixed by resolution of the commission
Red Squirrel	Nov 1st to Aug 15th next following
Bear over one year old .	Nov 10th to Nov 25th
Male deer with two or more points to one antler	Dec 1st to Dec 15th
Deer without visible antlers or horns of such minimum weight or age as shall be fixed by resolution of the commission ...	No open season except as fixed by resolution of the commission
Elk	No open season except as fixed by resolution of the commission

It is unlawful for any person to kill or attempt to kill or to hunt for or take or have in possession any game bird or game animal at any time of the year other than the open season fixed by resolution of the com-

mission in the manner above provided or as set forth in this section except as elsewhere provided in this act

(a) Hunting at Certain Periods Unlawful If in any year the commission by resolution fixes a later hour than that fixed by this act to begin hunting for game on the first day of any open season it shall be unlawful for any person except in defense of person or property to hunt for chase disturb or take or to attempt to hunt for chase disturb or take any wild bird or wild animal game or otherwise through the use of firearms or a bow and arrow or with dogs on such first day of the season prior to the opening hour so fixed

During the five days preceding the open season for deer as fixed either by this act or by resolution of the commisison it shall be unlawful for any person except in defense of person or property to hunt for pursue or take or attempt to hunt for pursue or take wild birds or wild animals of any kind through the use of a rifle or any other firearm discharging but one ball or pellet at a single discharge or to have in possession while hunting any rifle cartridges or single-ball shotgun shells during such five day period

(b) Raccoons Not To Be Trapped Exceptions Except in defense of person or property it is unlawful for any person to take or attempt to take raccoons through the use of traps or deadfalls except in such county or counties as the commission may by proper resolution public notice of which shall be given as hereinafter provided declare open to trapping when in its opinion raccoons are sufficiently abundant to justify such trapping In counties so declared open to the use of traps and deadfalls raccoons shall not be taken through such devices prior to the open season for the trapping of muskrats

(c) Special Permits for Antlerless Deer In any year during which the commission by resolution declares an open season for deer without visible antlers it is hereby empowered to issue special permits to hunt for or kill such deer at a fee of two dollars under such rules and regulations as it may deem necessary to limit the number of persons who may hunt for such deer in any portion of the Commonwealth provided public notice of such action is given as hereinafter required When the commission adopts and promulgates such rules and regulations it is unlawful for any person to hunt for any deer without visible antlers without such a special antlerless deer permit or to take such deer contrary to the rules and regulations adopted by the commission

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 501, page 60, lines 2 and 3, by striking out the following: "Woodchuck commonly known as ground hog July 1st to Sept 15th"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article V, Section 502 was read as follows:

Section 502 Bag Limits It is unlawful for any person to kill or attempt to kill or have in possession in any one day or in any one season unless otherwise provided in this act or by resolution of the commission more game birds or game animals than fixed by resolution of the commission or in lieu thereof as hereinafter enumerated

Kind of Game	In One Day	In One Season
Woodchucks	Unlimited	Unlimited
Raccoons (by individual or hunting party the shooting or trapping day for which is hereby fixed from 12 o'clock noon eastern standard time of one day to 12 o'clock noon of the following day)	3	10
Wild turkey	1	1
Ruffed Grouse	3	12
Male Pheasants	2	10
Quail of the combined kinds	8	24
Grackles	Unlimited	Unlimited
Rabbits	5	20
Hares	3	12
Squirrels including the fox black and gray combined	6	20
Red Squirrels	Unlimited	Unlimited
Bear (by individual or hunting party)	1	1
Deer (by individual)	1	1
Deer (by hunting party)	6	6

Except as otherwise provided by regulations of the commission every deer taken shall be a male deer having two or more points to one antler and every bear taken shall be not less than one year old

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 502, page 65, line 12, by striking out the following: "Woodchucks .....Unlimited Unlimited"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article V, Sections 503 to 506 inclusive were separately read and agreed to as follows:

Sections 503 Seasons and Bag Limits for Migatory Game Birds It shall be unlawful for any person to hunt capture kill take or attempt to take possess buy or sell any migratory game bird or part thereof except during such time and in such manner and numbers as may be prescribed by regulations promulgated under the provisions of the Federal Migatory Bird Treaty Act which regulations are hereby made a part of the game law of this Commonwealth provided however that such Federal regulations shall not apply if the commission or other provisions of this act may prescribe further restrictions for the taking of migratory game birds

Section 504 Trapping Certain Game Birds It is lawful with the written approval of the commission or one of its regular salaried field officers to trap quail of any kind and ringneck pheasants from the first day of December to the first day of April next following for the purpose of keeping them alive during the winter or for the purpose of separating a covey to increase the chances of propagation but for no other purpose whatever Every person so trapping game birds shall attach his name and address in plain English to all traps so used and shall report the number and species thereof so trapped to the district game protector or to the commission at the end of each month

It is unlawful for any person to trap quail or pheasants for the purposes stipulated in this section without the written approval herein required or to transport from one

locality to another locality in this State any such quail or pheasant except by written permission of the director All birds thus taken shall be liberated in the spring as soon as the weather will permit

Section 505 Action of Commission to be Advertised To fix seasons shooting hours and daily season and possession limits or to remove protection and declare an open season or to increase reduce or close seasons or to increase or reduce bag limits for any species of game birds game animals or fur-bearing animals or to permit the taking of raccoons with traps or deadfalls or to limit the number of hunters in any designated area and prescribe the methods of hunting therein or to remove any animal from the list of fur-bearing animals or to add any bird to the list of unprotected birds throughout the Commonwealth or in any part thereof a notice to that effect shall be published by the commission in the Pennsylvania Game News which magazine is hereinbefore declared the official publication for publishing the rules and regulations of the commission setting forth either in full or in summarized form the action of the commission and the rules and regulations adopted relative thereto The commission shall also publish a summary of the seasons and bag limits and designate any counties that may be closed and name the species of game birds and game animals or fur-bearing animals for which there is no open season on the back of the hunter's licenses each year and shall prepare and distribute such additional posters or notices as in its judgment may be necessary

If during any year the commission adopts a resolution changing seasons or bag limits for game birds game animals or fur-bearing animals or declares additional open seasons or closes seasons or permits the taking of raccoons with traps or deadfalls throughout the Commonwealth or in any part thereof for such birds or animals after the hunters' licenses have been printed in addition to giving notice of such action in the Pennsylvania Game News the commission shall publish a notice in not less than two newspapers of general circulation in each county affected one time each week for at least two consecutive weeks setting forth the action of the commission and the rules and regulations adopted relative thereto in such summarized form as it deems essential for the information of the public

It is unlawful for any person to violate any of the rules and regulations adopted by the commission and published as herein required for the preservation of game birds game animals or fur-bearing animals or to take or be possessed of such birds or animals at a time or in any number or manner or of any kind or sex contrary to such rules and regulations

Section 506 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

For taking killing wounding possessing or transporting from one locality to another within this State or for attempting to take kill or wound contrary to this article or any rules and regulations relative to the taking of game or fur-bearing animals adopted by the commission

(a) Each elk two hundred dollars and in the discretion of the court six months' imprisonment

(b) Each deer or bear one hundred dollars

(c) Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars

(d) Each raccoon twenty-five dollars

(e) For each other bird or animal ten dollars

For violating any of the provisions of this article not above specifically provided for or for violating any of the rules and regulations of the commission adopted under the provisions of this article twenty-five dollars and costs of prosecution for each offense

Upon failure of any persons convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Article VI was read and agreed to as follows:

ARTICLE VI

Fur-Bearing Animals

Section 601 Open Season for Fur-Bearing Animals After investigation or upon information otherwise obtained by the commission as to the annual supply of fur-bearing animals the commission may by appropriate rules and regulations a summary of which shall be published as hereinbefore specified fix seasons trapping hours and daily season and possession limits or remove protection or increase or reduce seasons and bag limits for any or all species of fur-bearing animals throughout the Commonwealth or in any part thereof or limit the number of trappers in any designated area and prescribe the methods of trapping therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such animals or to reduce the numbers thereof to safeguard game birds and animals

If in any year the commission fails to establish such seasons and bag and possession limits in the manner herein specified the seasons and bag and possession limits for fur-bearing animals shall be as follows

Kind of Fur-Bearers	Open Season	Bag Limits Day	Bag Limits Season
Muskrat Mink and Opossum	Nov 1st to Feb 28th	Unlimited	Unlimited
Skunk in counties where the commission has added such animal to the list of fur-bearing animals.	Nov 1st to Feb 28th	Unlimited	Unlimited
Beaver	Feb 15th to Mar 15th	3	6
Otter	No open season except as fixed by resolution of the commission		

Section 602 Unlawful Taking Killing Possession Etc of Fur-Bearing Animals Except as otherwise provided in this act it is unlawful for any person to take kill wound capture or have in possession or attempt to take kill wound or capture any fur-bearing animal except during the open season and in such numbers as fixed by regulations adopted by the commission or fixed by this act or to have in possession the green pelt of any fur-bearing animal or any part thereof except during the open season therefor and for ten days thereafter

It is unlawful to stake out or set traps for fur-bearing animals prior to the date and hour fixed as the open season for taking such animals

It is unlawful to take or attempt to take raccoons through the use of traps or deadfalls in any county which has not been declared open to such trapping by resolution of the commission or to take such animals in counties so declared open to trapping prior to the day and hour fixed as the open season for trapping muskrats

It is unlawful to buy or sell or offer to buy or sell or to ship out of this Commonwealth any fur-bearing animals or any part thereof which have been unlawfully taken

This section does not prohibit the possession at any time of fur-bearing animals killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of fur-bearing animals not unlawfully killed or the possession of live fur-bearing animals legally taken within this Commonwealth during the open season Green pelts of fur-bearing animals which were lawfully taken in another state except when in the hands of a licensed fur-dealer shall have attached thereto positive identification and proof of the locality where taken

Section 603 Illegal Methods of Taking Fur-Bearing Animals Exceptions In the taking or killing of fur-

bearing animals or predators it is unlawful to set traps closer than five feet from any hole or den which may be occupied by a fur-bearing animal or predator or to take muskrats and beavers except through the use of steel or live traps and deadfalls or to use a snare poison explosives chemicals a steel trap with teeth on the paws or with a jaw spread exceeding six and one-half inches measured in any direction or a deadfall with an opening exceeding six and one-half inches in height and six and one-half inches in width or to smoke out or dig out any den or house of any kind or to cut den trees or to use any trap or deadfall of any kind unless visited at least once every thirty-six hours except when prevented by sickness or storm

All traps or deadfalls so used must be marked with a metallic place or tag attached to the deadfall trap or trap chain bearing in plain English the name and address of the owner and must be taken up or sprung at the end of the season

Nothing contained in this section shall prevent the killing of any muskrat or beaver with a firearm after it has been legally trapped or prevent persons residing upon cultivated lands from digging out dens or houses of any wild animals excepting beavers during the close season in fields which are under cultivation or from preventing any person from killing or capturing alive any fur-bearing animals excepting beavers at any time in any manner when found in the act of destroying personal property or in the immediate pursuit thereafter but in no case shall the pursuit be carried beyond the limits of the property upon which the damage is done

The person killing or capturing any such fur-bearing animal or accidentally killing or capturing and injuring a fur-bearing animal during the close season while legally hunting or trapping for other animals in season shall immediately notify a game protector or the director at Harrisburg and such animal or the pelt thereof shall be disposed of as may be specified by the director Failure to notify such officer or the director as herein provided shall constitute prima facie evidence of the unlawful killing or capturing of fur-bearing animals

Section 604 Special Regulations Relative to Beaver In addition to complying with the requirements of this act relative to taking fur-bearing animals the trapping of beavers shall be restricted to bona fide residents of Pennsylvania holding a lawfully issued resident hunter's license Owners and lessees of land and members of their families actually residing thereon and cultivating such land may trap beavers thereon if open to public trapping but not on any adjacent or other lands without first securing a resident hunter's license

No person having the right hereunder to trap and kill beavers shall be permitted to use and set to exceed ten traps If such person shall unintentionally trap more than the number of beavers hereinbefore stipulated or fixed by regulation of the commission the excess beavers shall be reported within twenty-four hours and delivered to any salaried employe of the commission to be disposed of as hereinafter provided.

Before the hide of any beaver lawfully trapped may be possessed beyond the ten day limit hereinbefore fixed or sold or otherwise disposed of by such person each skin shall be presented to a salaried officer of the commission for examination and tagging which tag shall remain attached to the skin until it has been tanned and made up into commercial fur The cost of each such tag shall be ten cents

It is unlawful for any person to take or attempt to take or have in possession a beaver or the green pelt thereof contrary to the provisions of this section

Section 605 Tags Required Before Shipping Raw Furs to Other States Except as otherwise provided by this act it is unlawful for any person to ship transport or deliver by parcel post common carrier or otherwise the raw or untanned skin of any fur-bearing animal raccoon or predator to a point outside of this Commonwealth unless each shipment shall have attached a shipping tag obtained from the commission or one of its regular salaried officers Such tags shall be supplied at a cost of twenty-five cents and shall be composed of two parts One part thereof giving the name and address of the consignee and the kind and number of skins contained in the package shall be attached to the container in which the raw or untanned skins of the before-mentioned animals are shipped The other part of said tag containing the information required shall immediately be returned to the Commission at Harrisburg

The consignee of any shipment shall remove the tag attached to the container and after indicating thereon the amounts paid by him for the skin or skins contained in the shipment shall return said tag to the commission at Harrisburg

The provisions of this section shall not be construed to require the holder of a fur-dealer's permit in this Commonwealth to secure and attach such special shipping tags before making or delivering a shipment of raw or untanned skins of any point outside of this Commonwealth so long as such permittee indicates on the shipping tag or label the number of his fur-dealer's permit for the current year nor shall the provisions of this section be construed to prevent any holder of a taxidermist's permit from shipping the raw or untanned skins of fur-bearing animals raccoons in fur-dressing tanning or taxidermy in other states solely for the purpose of dressing tanning or mounting and return to such permittee

It is unlawful for any common carrier or his agent to receive raw or untanned skins for shipment to any point outside of this Commonwealth unless tagged as hereinbefore required

It is unlawful for any person to wilfully or wantonly remove mutilate or destroy any tag attached to a container in which such skins are shipped except in the manner and at the time and place provided for in this section

It is unlawful for any consignee to fail or neglect to remove and return to the commission a tag attached to any container in which raw or untanned skins are shipped except in compliance with the provisions of this section or for any consignor to return immediately to the commission the portion of the tag hereinbefore required

Section 606 Beavers and Their Dams Protected It is unlawful to destroy or disturb or in any manner interfere with the dams or houses of beavers except upon special permit from the commission

Section 607 Disturbing Traps of Another It is unlawful for any person to disturb the traps of another or to take a fur-bearing animal raccoon or predator from the traps of another unless specifically authorized by the owner

Section 608 Commission Authorized to Remove Animals When it is proven to the satisfaction of the commission that fur-bearing animals are excessively destroying property or otherwise becoming a nuisance in any section the commission may at any time remove protection or have such animals removed from that locality or direct the killing and disposition of same in such manner as the case may require

Section 609 Skunks in Cities and Boroughs Nothing contained in this act shall be construed to prohibit the killing of skunks at any time and in any manner within all boroughs and cities in this Commonwealth and two hundred yards adjacent to the boundary or limits of such cities or boroughs regardless of any provisions of this act This provision shall not be construed to abrogate any local ordinances prohibiting the discharge of firearms or the use of explosives or chemicals within municipalities The carcasses and skins of skunks so killed may be disposed of in such manner as the person killing them may see fit

Section 610 Penalties Any person killing or capturing or possessing or attempting to kill or capture any beaver or otter or destroying or disturbing or interfering with beaver or otter dams or houses or dens or killing capturing possessing or disposing of any beaver contrary to the provisions of this article or the regulations of the commission shall upon conviction be sentenced to pay a

fine of fifty dollars and costs of prosecution for each offense

Any person violating any rule or regulation of the commission relative to the taking of fur-bearing animals not covered in the preceding paragraph or disturbing the traps of another or removing a fur-bearing animal or raccoon or predator from the traps of another without specific authority from the owner shall upon conviction be sentenced to pay a fine of twenty-five dollars for each offense

Any person violating any of the provisions of this article except as otherwise provided for shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution for each offense

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Article VII, Sections 701 to 703 inclusive were separately read and agreed to as follows:

ARTICLE VII

General Hunting Regulations Protected Birds

Section 701 Unlawful Taking Killing Possession Etc of Game Except as otherwise provided in this act it is unlawful for any person to take or kill or wound or attempt to take or kill or wound any game except during the open season or to have in possession either living or dead any game or any part thereof except game lawfully taken during the open season which may be had in possession during the open season therefor and for thirty days thereafter without a permit

Persons desiring to retain lawfully taken and possessed game for a longer period than thirty days after the close of the open season for such game shall apply to the director for a permit which may be issued without charge and shall authorize possession of such game for an additional period not to exceed six months

The burden of proof that game or any part thereof found in possession of any person after the close of the open season was lawfully taken shall be upon the person in whose possession such game or part thereof is found

This section does not prohibit the possession at any time of game killed outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of birds or animals not unlawfully killed or the possession of live raccoons when lawfully taken during the open season provided the owner thereof applies to the director for a permit within five days after the close of the season which shall be issued without charge

It is unlawful for any person to use any game that has been unlawfully killed or taken or to aid or assist in the taking possession concealment or transportation of any game unlawfully killed or to have in possession for any purpose whatsoever or conceal the same any game or any part thereof that has been unlawfully killed or taken

Section 702 Hunting on Sunday and at Night It is unlawful for any person to hunt for shoot at chase catch or kill or attempt to shoot at chase catch or kill with or without dogs any game except in defense of person or property upon the first day of the week commonly called Sunday except for dog training or trial purposes as hereinafter provided or to hunt for shoot at catch or kill or attempt to hunt for shoot at catch or kill any game between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following or during such hours as shall be further restricted by resolution of the commission on the first day of any open season for game of any kind except that raccoons may be hunted for and killed any time during the open season day or night Sunday excepted This section shall not prohibit the removal of raccoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 703 Lawful Methods of Hunting It is lawful to hunt for catch take wound or kill game of any kind only through the use of a gun pistol revolver or bow and arrow of a kind the use of which is not hereinafter prohibited except

(a) That raccoons may be killed or captured in any manner if complying with the provisions of this act when using traps except that such animals may not be taken through the use of automatic firearms or magazine shotguns which have not been so manufactured altered or adjusted as to hold not more than three shells or snares poisons explosives or chemicals or by smoking out or digging out dens or houses or cutting den trees nor may traps or deadfalls be used to capture raccoons in any county which has not been declared open to trapping for such animals and in such open counties raccoons shall not be trapped prior to the trapping season for muskrats

(b) That blinds and decoys may be used in hunting wild waterfowl as permitted under Federal regulations

(c) That it is lawful to use steel traps baited or otherwise with a spread of jaws not exceeding six and one-half inches measured in any direction provided the trap does not have teeth on the jaws and it is lawful to use a deadfall baited or otherwise with an opening not exceeding six and one-half inchs in height and six and one-half inches in width if a metallic plate or tag is attached to each trap or chain or deadfall bearing in plain English the name and address of the owner for the purpose of taking predators and fur-bearing animals so long as such traps or deadfalls are not set closer than five feet from any den or hole or where any game may be caught and such traps or deadfalls are visited at least once every thirty-six hours unless prevented by sickness or storm and at the end of the trapping season all traps are sprung or removed but it shall be unlawful to use snares of any kind to capture wild birds or wild animals and

(d) In any manner for scientific purposes pursuant to a permit issued by the commission

(a) Unlawful Methods and Devices

Article VII, Section 704 was read as follows:

Section 704 Unlawful Methods of Hunting It is unlawful for any person to shoot at or to shoot for any wild bird or wild animal unless it is plainly visible to him or to dig cut or smoke or in any other manner take any live wild bird or wild animal other than a predator out of its den or place of refuge

Except as otherwise provided it is lawful to hunt for catch take kill or wound or attempt to catch take kill or wound any wild bird or wild animal of any kind through the use of (a) what is commonly known as an automatic gun or an automatic firearm of any kind (b) or a magabine shotgun to hunt for any bird or animal other than big game which has not been so manufactured altered or adjusted as to hold at one time a total of not more than three shells or a swivel gun or an air-rifle or the apparatus known as a silencer (c) or from an automobile or vehicle or boat or craft of any kind propelled by any mechanical power (d) or to set lay or prepare for use or to use any bait hay grain or other food or any trap snare set-gun net bird-lime deerlick pitfall turkey blind or turkey pen the term "set-gun" as herein used meaning any contrivance device or firearm capable of discharging or projecting a deadly charge or missile which is set to operate in the absence of the owner (e) or to make use of or take advantage of any artificial light battery or other contrivance or device (f) or to make use of any method or device not specifically permitted by this act for the purpose of catching taking wounding or killing wild birds or wild animals It is unlawful to hunt for catch take kill or wound or attempt to catch take kill or wound raccoons except in the manner provided in this act

(b) Unlawful Manner of Hunting Big Game

It is unlawful to kill or attempt to kill any big game except through the use of a gun propelling one all-lead or lead alloy or soft-nosed or expanding bullet or ball at a single discharge or through the use of a bow and arrow or to take an elk in any manner except through the method known as still hunting

It is unlawful for any person or one or more of a group of persons together to throw or cast the rays of a spotlight headlight or other artificial light on any highway or in any field woodland or forest upon any big game while having in his or their possession or under their control a firearm or other implement whereby any big game could be killed even though such animal be not shot at injured or killed The provisions of this paragraph shall not apply if it shall be proven that the headlights of a motor vehicle operated by the defendant or defendants while traveling on a highway in the usual way cast a light upon such animal on or adjacent to such highway and there was no attempt or intent to locate such animal

(c) Unlawful to Kill Big Game in Water

It is unlawful for any person at any time to shoot at or kill wound or capture or attempt to kill wound or capture any big game while taking refuge in or swimming through the waters of any of the streams ponds dams reservoirs or lakes

(d) Use of Dogs in Hunting Big Game or Turkeys

It is unlawful for any person to make use of a dog in hunting big game or wild turkey and every person who takes a dog into the woods or who has possession or control of a dog in the woods and every person in a camp which has a dog in their possession or control or in which a dog is harbored shall be liable to the fines prescribed in this article for the unlawful chasing taking or killing of big game or wild turkey as the case may be if such dog runs after pursues or follows upon the tracks of any big game in such close pursuit as to endanger the life of the animal or does pursue or scatter wild turkeys

(e) Hunting with Ferrets or Fitches

Except as otherwise provided in this act it is unlawful for any person to hunt for catch or kill or cause or permit the hunting of hares or rabbits with or through the use of a ferret or a fitch The fact that any person shall place a ferret or a fitch in any hole or opening outside of buildings in which a rabbit might be found or shall be caught in the act of using a ferret or a fitch in taking hares or rabbits or shall have a ferret or fitch in possession or under control in either the fields or forests or highways or in or on any vehicle or trailer upon the highways or on railroad or railway cars shall render such person liable to the penalty prescribed in this article Any ferret or fitch found running at large or found in the possession or under the control of a person not possessed of a ferret or a fitch permit or of a person convicted of violating any provisions of this act shall be forfeited to the Commonwealth and shall be immediately killed by the officer or citizen into whose hands such animal may come

(f) Unlawful Crafts and Vehicles

It is unlawful to hunt for or pursue or to follow after with intent to kill game of any kind from or with or through the use of any boat or craft propelled by any means other than oars or pole or handpaddle Any person using a craft or boat for such purposes contrary to this section or the captain or owner or other person in charge of such boat or craft who shall allow or permit the same to be used contrary to this section shall be liable to the fine provided for in this article

It shall be unlawful to hunt for or pursue or to follow game of any kind with any vehicle or conveyance other than a boat as above or to use any vehicle or trailer or part thereof or its lights or equipment for the killing wounding or catching of game of any kind or to use any vehicle or trailer for the transportation of game illegally killed

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 704, page 83, line 4, by striking out the word "three" and inserting in lieu thereof the word "six"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article VII, Sections 705 to 718 inclusive were separately read and agreed to as follows:

Section 705 Unlawful Killing of Big Game It is unlawful for any person at any time by standing on watch or otherwise to kill or attempt to kill a second big game animal of the same species in one season It shall not be unlawful for a member of a camp or body of men hunting together who has killed a legal big game animal to cooperate with the members of such camp or body of men hunting together only in the manner known as driving while acting as a member of such camp or body of men hunting together so long as the number of big game animals killed by such camp or body of men hunting together shall not exceed the legal limit

It is unlawful for any person at any time to shoot at or wound or kill or attempt to shoot at or wound or kill or have in possession a female elk or a deer without visible antlers or horns less than such weight or age as shall be fixed by resolution of the commission or any part thereof or a male elk or a male deer or a bear of either sex found in a wild state or any part thereof that may not be lawfully taken except as otherwise provided by the laws of this Commonwealth

Section 706 Possession of Big Game Without Head Attached The possession or control of any big game animal or of any portion of such animal shall be prima facie evidence that it was killed unlawfully in this Commonwealth unless the head is attached in a natural way Each person in whose possession or under whose control the same may be found or who may be proven to have had such animal or part thereof in possession or under control shall be liable to the penalty provided in this article for the unlawful killing of such big game unless such person shall immediately upon demand made by an officer of the Commonwealth whose duty it is to protect game produce the head or other satisfactory evidence that the flesh in question found in his possession or proven to have been under his control is a part of a big game animal legally killed in the Commonwealth

Section 707 Regulations for Parties Hunting Big Game Each group of five or more persons who hunt together or who in any manner cooperate with others while hunting for big game shall at all times maintain upon the person of the captain or leader in charge of the entire cooperating group a roster on a form supplied or approved by the commission and containing the names of all cooperating persons and such other information as may be required In addition thereto a duplicate copy of such roster shall be posted at the headquarters or camp of such party in such manner as to be plainly visible for inspection from the outside The term "headquarters" as herein used shall mean any hunting camp lodge hotel boarding house private residence tent automobile truck trailer or other place of abode either temporary or permanent

Each such roster shall at all times be open to inspection by any officer whose duty it is to enforce the game laws of this Commonwealth and shall be produced in the field upon demand of any such officer

A copy of the roster so posted at a permanent camp lodge boarding house hotel or residence shall remain posted at such headquarters for thirty days following the close of the open season

A copy of such roster containing the information required by the commission shall be forwarded to the offices of the commission at Harrisburg not later than fifteen days after the close of the open season for the big game hunted by such party

For failure to maintain post produce or return the required roster or record each member of the hunting party shall be liable to the penalties provided in this article

It is unlawful for any body of men either camping together or hunting in unison or in any manner cooperating with each other to kill or be possessed of in one season more than the number of legal big game animals fixed by this act

Every person in a camp or body of men hunting together or in any manner cooperating with others in hunting for big game shall be individually liable to the full penalty imposed in this article for each big game animal killed in excess of the number provided by this act after the time the various members of such party have had ample opportunity to get together not exceeding the close of said day and ascertain that the legal limit of such animals has been killed In any case where more than the lawful number of big game animals are killed unintentionally by any hunting party any excess animals shall be turned over to the nearest salaried representative of the commission within eighteen hours after killing for disposition as hereinafter provided

Every person who may hunt individually or with another camp or party hunting in unison for big game or in any manner cooperating with others hunting for such animals after having participated in any manner in killing during the season the number of such animals prescribed in this act for hunting parties shall be liable to the full penalty and costs of prosecution prescribed in this article for killing such animals contrary to the provisions of this article and such penalty shall be imposed for every day such person shall hunt contrary to the provisions of this section

Section 708 Tagging Big Game Each person killing a big game animal found in a wild state shall within four hours attach thereto the big game tag supplied with his hunting license both parts of which shall be properly completed If such animal has been lawfully killed by a person not required to secure a license or by a person who has previously killed another legal big game animal or by a person who has lost the tag supplied with his license such person shall make and attach a tag within four hours after such killing bearing in plain English his name address and if holding a license the license number and county number if the license bears such number with the location where such game was killed

Every failure to have said tag attached as herein provided shall subject the person so neglecting to the penalties provided in this article and if the person responsible for such neglect to tag any such game cannot be located each member of the camp or party shall be individually liable to such penalty

Any game found in the possession of any person and not tagged as herein provided shall be forfeited to the Commonwealth to be disposed of as hereinafter provided and may be seized by any officer whose duty it is to enforce the game laws

Section 709 Killing Game for Hire It is unlawful for any person to kill game for wages or hire or in evasion of this provision and to that end it shall be unlawful for any person acting as a guide to deliver or in any manner cause to be delivered to the benefit of his employer or the person he may be guiding game killed by him or for the employer of any employe acting in the capacity of a guide to receive game killed by such employe or guide while in his employ

Nothing in this act shall be construed to prevent any person from using a dog or dogs belonging to him or under his control to locate or chase legal small game while acting as a guide for others or from acting as a guide when not carrying a rifle or shotgun after such has killed his limit of big game or participating in killing the lawful limit of big game as prescribed for camps or parties hunting in unison

It is unlawful for any salaried employe of the Commonwealth whose duty it is to enforce the game laws to act as a guide for hunters

Section 710 Killing Game by Mistake Each individual who may by mistake kill any wild bird or animal contrary to the provisions of this act or any rules and regulations of the commission may within twenty-four hours pay one-half of the penalty imposed by the law for the illegal killing of any big game animal and two-fifths of the penalty imposed by law for the illegal killing of any other bird or animal to a legally authorized representative of the commission of such individual to the best of his ability shall at once remove the entrails and deliver the carcass of the bird or animal so killed to any game protector for disposition as hereinafter provided and shall within twenty-four hours after such killing make and deliver to such officer a statement in writing under oath explaining when and where and how such mistake was made

Said portion of the penalty and the sworn statement together with the officer's report shall be forwarded to the director as quickly as possible for review If after investigation the director is not satisfied said killing was done in mistake but caused by negligence or carelessness he shall order the defendant to be prosecuted in the regular manner and the amount so deposited shall be applied toward the payment of the full penalty and any costs of prosecution as provided in this act

Section 711 Shipping Game by Parcel Post Except as in this act otherwise provided it is unlawful for any person to ship game or any part thereof killed in a wild state in this Commonwealth by parcel post Nothing contained in this section shall be construed to prevent the shipment of skins of raccoons or bears legally killed if marked properly to show the contents

Section 712 Shipping Game to Taxidermists Nothing contained in this article relative to the shipment of parts of game within or out of the Commonwealth shall apply to the shipment of a bird or animal or part thereof either legally or accidentally killed that the holder thereof may desire to preserve as a trophy or as a specimen and shall send to licensed taxidermist for tanning or mounting when the package is properly marked showing the contents thereof Provided That all such shipments out of the Commonwealth shall be legal only pursuant to a permit secured from the director

Section 713 Transporting Small Game It is unlawful for any person to ship or transport by common carrier of any description or by vehicle or craft of any kind or its attachment any small game or part thereof killed in a wild state in this Commonwealth or for any common carier or his or its agent to transport small game of any kind from one point to another point within this Commonwealth unless such small game is accompanied by the owner thereof or is caried upon the same train or conveyance with such owner in the following manner

Such game shall be carried upon the person in the hunting coat or game bag or openly as hand-baggage without cover in such manner as to be easily seen and inspected When such game is carried in baggage or boxed for shipment each package or box or receptacle of any description containing such game shall have attached thereto a card or marker bearing in English the name of the person owning same with the place of his residence the name of the county wherein such game was killed and the number of each species of small game contained in said package

It is unlawful for any person to have in possession or to transport or attempt to transport any species of game in excess of the legal possession limits fixed by this act or established by regulation adoption by the commission

Section 714 Transporting Big Game It is unlawful for any person or for any common carrier or his or its agent to ship or transport big game of any kind unless the carcass shall in all instances have attached thereto a card or marker bearing in English the name and address of the owner his license and county number if the

license bears such number with the name of the county wherein the same was killed

It is unlawful for any person to cut up big game and ship transport carry or convey any part thereof or for any common carrier or his or its agent to transport any such part unless each division thereof shipped uncovered or each package container or baggage of every description containing any part of such game shall have attached a card or marker bearing in English the name of the owner of such game with his home address his license and county number if the license bears such number and the character of the contents of such package so that such contents may be determined by an outside inspection thereof

Section 715 Transportation of Game Outside of State Except as otherwise provided in this act it is unlawful for any person at any time to ship transport or remove or attempt to assist to ship transport or remove or cause or attempt to have shipped or transported or removed out of this State any game animal or game bird or protected bird or to have in his possession or under his control any game bird or animal or protected bird with intent to allow or aid in the shipment or removal thereof out of this State and it is unlawful for any person acting in the capacity of a common carrier or his or its agent or as the operator of a conveyance of any kind or in control of a conveyance of any kind to receive for transportation or to transport remove or aid assist in removing or attempt to remove beyond the limits of the State any game animal or game bird or protected bird

Nothing contained in this section shall be held to impose any penalty upon the transportation of game in unbroken packages in transit through this State from another State nor upon the shipment out of the State at any time of game legally killed or taken in another State whether the same be in original packages or otherwise nor upon the shipment of game legally killed in this Commonwealth which is delivered in good faith to a common carrier for transportation from one point to another point in this State if necessary carried out of this State to reach its destination but actually delivered at the point of destination within this State and in the case of small game is accompanied by the owner thereof nor upon the removal from the State at any time of mounted specimens of game lawfully taken if such specimens are being transferred as part of the personal effects of the owner thereof

Any non-resident licensed hunter may take with him personally when leaving the State in the manner prescribed by law relating to the shipment of game from one point to another in this Commonwealth and the tagging of game any game except elk that such licensee has lawfully taken or killed not exceeding during the season the number that any one person may lawfully take or kill in any three days

Section 716 Buying and Selling Game Except as otherwise provided by this act it is unlawful for any person at any time to buy sell or barter or offer for sale or barter or have in possession for sale or barter any game or parts thereof no matter where such game has been killed excepting deer or rabbits killed in another State or Nation or the skins of raccoons and bears no matter where killed and other game legally killed and imported from another State or Nation when tagged as herein required

Except as otherwise provided by this act it is unlawful for any person at any time to sell or barter or offer for sale or barter for human consumption any species of game or parts thereof protected by this act or similar thereto imported either dead or alive from another State or Nation except deer or rabbits unless the carton containing such birds or animals or the individual carcasses shall have attached a tag identifying the birds or animals in plain English and giving the State or nation from which originally shipped Before any such game may be offered for sale there shall first have been attached to each bird or animal by a representative of the commission a metal seal the cost of which is hereby fixed at five cents which seal shall remain attached until the carcass is prepared or finally cut up for consumption

Nothing in this section shall be construed to prevent the purchase or sale of game raised under authority of a propagating permit in this Commonwealth and properly tagged or the purchase or sale of live racoons legally possessed for release or propagating purposes within the Commonwealth or the purchase or sale or introduction into this State at any time of live birds or animals for propagation liberation or for any other purpose that has been inspected and legally passed in accordance with the conditions hereinafter stipulated or to prevent at any time the sale within the State or the shipment out of the State without a license of any kind of any animal raised in captivity and not found in a wild state in this Commonwealth or the purchase or sale of the tanned cured or mounted heads or skins or parts thereof of any game not killed in a wild state in this Commonwealth

Section 717 Dogs Pursuing or Deer Liability of Owners Any dog pursuing or following upon the track of an elk or deer is hereby declared to be a public nuisance Such dog may be killed by any person when in such close pursuit as to endanger the life of any deer or elk found in the act of killing any deer or elk or by any officer whose duty it is to protect the game of the State upon affidavit made by any person acquainted with the facts that said dog is in the habit of pursuing elk or deer or did kill or injure an elk or deer within a period of three months before the date of such affidavit

The owner or person harboring or in control of a dog either killed in conformity with the law or proven to have pursued or injured or killed an elk or deer contrary to the provisions of this section shall be liable to penalty of fifty dollars for each elk and twenty-five dollars for each deer pursued or injured or killed

When the owner or person harboring or in control of a dog shall neglect or refuse to take such action as may be necessary to prevent such dog from running elk or deer after notice in writing from an officer whose duty it is to protect game to the effect that the dog in question is in the habit or pursuing elk or deer he shall be liable to double the amount as fixed before for the first offense

Section 718 Dogs Pursuing Small Game in Close Season Any dog pursuing or following upon the track of any small game during what is known as the close season for game is hereby declared to be a public nuisance and may be killed by any officer of the Commonwealth whose duty it is to protect the game or wild birds or the owner or lessee of land whereon it is found or by an employe of such owner or lessee unless such dog shall wear a collar having attached thereto a metalic tag or plate upon which shall be plainly inscribed in English the name and address of the owner of such dog and also a dog license tag as provided by the laws of the Commonwealth

Any dog thus wearing a collar inscribed and tagged as before mentioned pursuing small game during the close season may be killed by any officer of the State whose duty it is to protect the game of the State or by the owner or lessee of any land upon which such dog may be found or by any employe of either the owner or lessee when such dog is seen upon the track of such game or is in the act of injuring or killing or has injured or killed such game after notice in writing from that particular person or from the director has been given to the owner or reputed owner or person in contol of such dog to the effect that the dog in question is in the habit of destoying or pursuing or following upon the track of game contrary to this section

Any person who shall permit his dog or a dog under his control to pursue small game during the close season shall be liable without notice of any kind to penalty of ten dollars and costs of prosecution for each day small game may be pursued in violation of this section and to an additional penalty of five dollars for each animal or bird injured or killed by such dog without the aid or direction of its master

Article VII. Section 719 was read as follows:

Section 719 Training of Dogs on Certain Game Exception For Fox Hunting Except as otherwise provided in this act or in defense of person or property it is unlawful for the owner of any dog or dog under his control to permit such dog to chase pursue or follow upon the track of any wild bird or wild animal either day or night between the

first day of April and the ninteenth day of August next following provided however that the commission upon receipt of a petition signed by two hundred and fifty (250) or more residents of a county who held hunting liceses of the previous year or who are farmers or sheep raisers whether licensed to hunt or not may by resolution notice of which shall be published as required by this act designate any county or port thereof in which hunting foxes with dogs at any time either day or night shall be lawful throughout the entire year except for such sixty-day period as the commission may designate when complying with the provisions of this act relative to hunting licenses or permits

During the hours from sunrise to nine o'clock post meridian eastern standard time dogs when accompanied by and under controll of their owner or handler may be trained upon any game in this Commonwealth except elk deer or bear or wild turkey from the twentieth day of August to the thirty-first day of March next following unless said period be further restricted by resolutinon of the commission so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds except that during the foregoing periods and under the conditions stipulated it shall be lawful to train dogs upon raccoons from sunrise to midnight eastern standard time Provided however That it shall be unlawful to train dogs on Sunday unless the consent of the owner of the land where such training is being done has first been secured but no such consent shall be required in the case of State and National forest lands

"Under control" is hereby defined to mean within call except when actually on a trail or track of legal game

Any person who shall train a dog or dogs or permit a dog or dogs under his control to pursue or follow upon the track of any small game or other bird or animal except elk deer or bear contrary to the foregoing provisions shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution for each offense

On the question,

Will the House agree to the section?

Mr. FLINCHBAUGH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 719, page 100, line 10, by striking out the word "may" and inserting in lieu thereof "shall"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article VII, Sections 720 to 723 inclusive were separately read and agreed to as follows:

Section 720 Permits for Field Trials It shall be lawful to hold field meets or trials where dogs are permitted to work on liberated or native wild game in exhibition or contest provided due diligence is exercised by those directing such meet or participating therein to prevent the injury or killing of the game being pursued at any time during daylight hours from the twentieth day of August to the close of the training season as fixed by this act or by resolution of the commission without first securing a permit and from the close of such training season to the fifteenth day of April after having secured a permit as hereinafter required

It shall also be lawful to hold field meets or trials for dogs with led game animals or with drags at any time between the sixteenth day of April and the nineteenth day of August next following having secured a permit as hereinafter required

Such permits may be issued by the director upon proper application and the payment of a fee of five dollars for each such trial held on not to exceed five consecutive days A representative of the commission shall supervise all such meets and enforce any rules and regulations of the commission governing the same

It is unlawful for three or more persons to hold or participate in a field trial or meet without first securing the permit required by this section Participants in a recognized field trial or meet shall not be required to be possessed of either a hunter's license or a tag while participating in such field trials

Any person who shall violate any provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution for each offense

Section 721 Permits for Retriever Trials It shall be lawful to hold field meets or trials for retrieving dogs where the skill of such animals is demonstrated by retrieving dead and wounded game birds or animals which have been propagated or otherwise legally acquired and released on the day of the trials on premises owned or controlled by the club or individual conducting same and shot for such purpose at any time during daylight hours Sundays excepted from the fifteenth day of October to the thirty-first day of December next following after having secured a permit as herein required

Such permits may be issued by the director upon proper application and the payment of a fee of Ten Dollars for each day upon which such trials shall be conducted A representative of the commission shall supervise all such trials and enforce any rules and regulations of the commission governing the same

Such permits shall authorize the holders thereof to kill all of the birds or animals specifically released by the permittee on the day of the trials or from the hand while the trials are in progress under the observation of an official representative of the commission

The person or persons designated by the committee in charge to do the shooting for such trials shall be known as the official gun or guns and no other person shall be permitted to kill or attempt to kill any of the birds or animals released for such trials Birds or animals so released may be killed during the above period without regard to sex or numbers

Before any game killed under the provisions of this section shall be consumed on the premises or removed therefrom the official representative of the commission shall attach a tag to each bird or animal killed such tags to be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require Said tags shall remain attached to the individual birds or animals until prepared for consumption and shall not be used more than once

It is unlawful for any person to hold conduct or to participate in a retriever trial before the permit required by this section has been secured or for any person to possess or remove from the shooting grounds any birds or animals killed which have not been tagged as herein required or for any person to sell or purchase or attempt to sell or purchase any birds or animals killed in conformity with the provisions of this section

Participants in such a recognized retriever trial shall not be required to be possessed of either a hunter's license or a tag while participating in such trial

Any person who shall violate any provisions of this section shall upon conviction be sentenced to pay a fine of Fifty Dollars and costs of prosecution for each offense

Section 722 Permits for Fox Hunting Clubs It is lawful for any fox hunting club fox hunting organization or individual owning and hunting an organized pack of twenty or more fox hounds to hunt foxes for sport from the twentieth day of August to the thirty-first day of March next following unless the commission shall fix a different period for fox hunting in any county as otherwise provided in this act if such club organization or person shall first secure a permit as hereinafter required

Permits to hunt organized packs of fox hounds may be issued by the director upon proper application and the payment of an annual fee of fifty dollars but no such permit shall be required of individuals or groups of individuals hunting foxes for sport from the twentieth day of

August to the thirty-first day of March next following unless the commission shall fix a different period for fox hunting in any county as otherwise provided in this act so long as they do not hunt with what is commonly known as an organized pack of twenty or more fox hounds but all such persons shall be possessed of a hunter's license and tag as required by this act

It is unlawful for any fox hunting club fox hunting organization or individual or groups of individuals to hunt an organized pack of twenty or more fox hounds without complying with the provisions of this section Persons participating in a hunt conducted with an organized pack of fox hounds under permit shall not be required to be possessed of either a hunter's license or tag

Any person who shall violate any provision of this section shall upon conviction be sentenced to pay a fine of one hundred dollars and costs of prosecution for each offense

Section 723 Importing Selling and Releasing Certain Birds Eggs and Animals It is unlawful for any person to bring or in any manner to have transported into this Commonwealth from any other State or country any living animal or any bird or the eggs of any bird the importation of which is prohibited by the Secretary of Agriculture of the United States under the provisions of any law of the United States or that may hereafter be prohibited by regulation of the commission or to release within this Commonwealth any fox wild cat domestic cat mink weasel ferret or fitch brought into this State from another state or country or reared in captivity or in a domestic state in this Commonwealth or any other bird or animal the importation of which has been prohibited

It is unlawful to bring into or sell within this Commonwealth living birds or animals of any kind or the eggs of any bird which have been imported from any other state or nation or to release within this Commonwealth for any purpose imported birds or animals of any kind contrary to such rules and regulations as the commission may adopt to safeguard the native wild game or fur-bearing animals of this Commonwealth

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay the fine provided for in this article

Article VII, Section 724, was read as follows:

Section 724 Killing Game Destroying Property (1) Nothing in this act shall be construed to prevent any person as hereinafter defined and restricted from killing in any manner except through the use of poison or explosives or snares or steel traps raccoons and woodchucks excepted any of the animals or birds hereinafter stipulated which he may find actually engaged in the material destruction of cultivated crops fruit trees vegetables livestock poultry or beehives or in the case of red squirrels or blackbirds destroying either the eggs or young of protected or game birds or from destroying said animals or birds anywhere on the property under his control immediately following such destruction or where the presence of said bird or animal on any such cultivated lands or fruit orchards is just cause for reasonable apprehension of additional imminent destruction

The word "person" as used in this clause shall mean any person actually residing upon and cultivating as a means of gaining a livelihood any lands for general farm crop purposes commercial trucking or fruit orchard or nursery being regularly maintained for commercial purposes as either the owner or lessee of such lands or a member of his family actually residing upon and regularly assisting in the cultivation thereof or an employee of such owner or lessee hired on a monthly or annual basis and regularly assisting in the cultivation thereof and where such owner or lessee shall upon request of any representative of the commission produce satisfactory evidence that material damage has been done within fifteen (15) days and that there was just cause for reasonable apprehension of additional imminent destruction provided that such lands are open to public hunting and that no saltlick bait or other artificial means have been used to lure said animals or birds onto such lands

(2) Any elk deer or bear may be legally killed only through the use of a firearm which discharges a single ball or bullet not smaller than a twenty-five calibre under the foregoing provisions provided a report is made as hereinafter required and other conditions stipulated are complied with and

(3) Any rabbit squirrel raccoon woodchuck or the birds commonly known as blackbirds may be legally killed under the foregoing provisions provided a report is made as hereinafter required and other conditions stipulated are complied with

(4) The provisions of this section shall be construed to permit the killing of those birds or animals enumerated herein upon detached lands being cultivated for like purposes in common with lands upon which the actual residence of the operator is maintained provided the killing thereof is reported and the carcasses are cared for as hereinafter stipulated but no such birds or animals killed on any such detached land shall be retained for food

(5) The person killing any such animal or bird except woodchucks and red squirrels and the birds commonly known as blackbirds shall within twelve (12) hours after killing either orally or in writing report such killing to the nearest game protector or the office of the commission at Harrisburg setting forth the date and time of killing the species killed and in the case of elk or deer or bear the sex thereof and shall except in the case of red squirrels or the birds commonly known as blackbirds immediately after billing remove the entrails and transfer the carcass to a place of safe keeping to be turned over to any game protector upon demand except as hereinafter specified

(6) One elk or deer or bear so killed and reported in accordance with the foregoing provisions may be retained for food provided all portions of the carcass generally considered edible shall be consumed only within the household of a person residing upon such lands and having a legal right to kill the same No additional animals shall be retained for food until the entire carcass of the animal previously retained has been entirely consumed under the foregoing provisions Any additional elk or deer or bears legally killed under the provisions of this section so long as there is any unconsumed or edible portion of an elk or a deer or a bear retained within the household of any person legally entitled to possess the same under the provisions of this sction shall be turned over to a game protector as hereinbefore specified

(7) It is unlawful for any person not legally entitled under the provisions of this section to hunt for chase kill or attempt to kill or to deliver or transport ship purchase barter exchange or give away any bird or animal or any portion thereof killed under the provisions of this section or to fail or refuse to report such killing within the specified time or to fail to remove the entrails and properly care for the carcass of an animal so killed

Any person violating any of the several provisions of this section shall be liable for the fines hereinafter provided

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 724, page 106, line 26, by striking out at the end of the line, the following: "and woodchucks"

Amend section 724, page 108, line 4, by striking out the word "woodchuck."

Amend section 724, page 108, line 19, by striking out the word "woodchucks and."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article VII, sections 725 to 731 inclusive, were separately read and agreed to as follows:

Section 725 Possession or Interference with Nests or Eggs of Birds Except as otherwise provided in this act it is unlawful for any person to take or have in possession or under control either the nest or any egg or young found therein of any game bird or protected bird or to wantonly interfere with or destroy any such nest or egg or the young found therein Any person violating any of the provisions of this section shall be liable to the fines hereinafter provided

Section 726 Unlawful Killing and Possession of Protected Birds Except as otherwise provided in this act it is unlawful for any person at any time to shoot at wound take or kill any protected birds or to have such birds either living or dead or any part thereof in his possession

Nothing contained in this section shall be construed to prevent any person from killing any eagle or hawk or owl or turkey vulture or heron protected by this act when caught in the act of destroying domestic livestock poultry game other protected birds their nests or young or fish in private rearing ponds or to prevent such killing immediately following such destruction

No protected bird or any part thereof killed as herein provided or by accident shall be mounted or retained in possession except pursuant to a permit obtained from the commission

Any person violating any of the provisions of this section shall be liable to the penalty hereinafter provided

Section 727 Unlawful Sale of Protected Birds and Plumage Except as otherwise provided in this act it is unlawful for any person acting either for himself or as the agent or representative of another to have any protected bird or any part of the plumage or skin thereof or any bird or part of the plumage or skin of a bird that may have been brought into this Commonwealth from another state or country which belongs to the same family as those found in a wild state in this Commonwealth in possession or under control for the purpose of sale or to offer or expose the same for sale or to transport ship or remove or attempt to transport ship or remove from this Commonwealth for any purpose any such bird either living or dead or any part of the plumage or skin thereof

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 728 Ownership of Carcass of Game The ownership of the carcass of game lawfully shot and killed shall be deemed to be in the person who inflicts a mortal wound which causes the death of the bird or animal and which enables the hunter to obtain possession of the carcass

When a mortal wound has been lawfully inflicted on any game but the same is not killed immediately and continues in flight and is thereafter lawfully shot by another hunter who inflicts a mortal wound thereby stopping the flight of such game and killing it enabling such hunter to take possession of the carcass the ownership of the carcass shall be deemed to be in the hunter whose fatal wound stopped the flight of such game and enabled him to take possession of the carcass

In case of a dispute a disinterested person other than an officer whose duty it is to enforce the game laws may be called in to arbitrate the matter and no such officer shall testify concerning any such dispute

Section 729 Larceny Any animal or bird or the carcass or body or parts thereof of any animal or bird lawfully taken killed or caught by any person under the provisions of this act shall be deemed to be personal property and the subject of larceny

Section 730 Vehicles on Highways Required to Stop Upon Signal It is unlawful for the operator of any motor vehicle to fail or refuse to stop any such vehicle or conveyance of any kind being operated upon any public highway within this Commonwealth upon request or signal of any officer whose duty it is to enforce the game laws when such officer is in uniform and shall display his badge or other insignia of identification for the purpose of inspecting or searching said vehicle or conveyance its passengers or contents for the unlawful possession concealment or transportation of game of any species or parts thereof or to in any manner interfere with any such officer while making such inspection

It is unlawful for any person to turn off any or all lights on a vehicle or conveyance being operated upon any public highway within this Commonwealth for the purpose of avoiding identification or arrest upon request or signal to stop as required in this section

Section 731 Penalties Any person violating any of the provisions of the section of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For hunting or shooting or chasing or catching or killing any game or attempting to shoot at or chase or catch or kill with or without dogs any game upon the first day of the week commonly called Sunday or for hunting for or shooting at or catching or killing or attempting to hunt for or shoot at or catch or kill any game (except as authorized by this act) between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following contrary to the provisions of this article or regulations adopted thereunder by the commission twenty-five dollars

(b) For using a vehicle or trailer or conveyance or boat or craft or permitting the same to be used contrary to the provisions of this article fifty dollars for each day

(c) For taking any wild animal or wild bird contrary to the provisions of this article or regulations adopted thereunder by the commission ten dollars for each trap or device so used

(d) For failure to maintain post or produce upon demand by an officer the roster or record of a hunting party as required by the provisions of this article twenty-five dollars

(e) For failure to return to the commission the roster carried by the captain or other leader of a hunting party or a copy thereof as required by the provisions of this article five dollars

(f) For failure to tag or mark a deer or elk or bear within four hours after killing as required by the provisions of this article twenty-five dollars

(g) For shipping transporting carrying or conveying parts of large game in any package container or baggage of any description without having a card or marker attached as provided by this article twenty-five dollars

(h) For a common carrier or his or its agent to transport game from one point to another in this Commonwealth contrary to the provisions of this article twenty-five dollars

(i) For violating any of the provisions of this article relating to living birds and the eggs thereof and living animals imported or brought into or released within this Commonwealth twenty-five dollars for each bird or egg or animal imported or sold or released contrary to said provisions

(j) For interfering with or destroying the nest or egg or young found therein of any game bird contrary to the provisions of this article fifty dollars for each nest and twenty-five dollars for each young

(k) For interfering with or destroying the nest or egg or young found therein of a protected bird contrary to the provisions of this article ten dollars for each nest or young

(l) For shooting at or wounding or taking or killing or possessing any protected bird contrary to the provisions of this article ten dollars

(m) For selling or offering for sale or possessing for the purpose of sale or transporting or shipping or attempting to transport or ship any protected bird or any bird that may have been brought into this Commonwealth which belongs to the same family or the skins or plumage of any such bird twenty dollars

(n) For making use of or taking advantage of any vehicle trailer conveyance headlight or spotlight or artificial light or battery or other contrivance or device to spot or locate or hunt for or catch or take or kill or wound any elk deer or bear or for setting laying or preparing for use or using any set-gun for the purpose or evident purpose of taking killing or wounding or attempting to take kill or wound any elk deer bear or other wild bird or wild animal contrary to the provisions of this

article one hundred dollars for each person concerned and the forfeiture of such vehicle trailer headlight spot light or other contrivance and all paraphernalia used

(o) For failure or refusing to stop any vehicle or conveyance being operated upon any public highway within this Commonwealth upon request or signal of any officer whose duty it is to enforce the game laws contrary to the provisions of this article ten dollars

(p) For turning off any or all lights on a vehicle or conveyance for the purpose of avoiding identification or arrest contrary to the provisions of this article fifty dollars

(q) Except as otherwise herein provided for hunting or chasing or catching or taking or killing or wounding or receiving or delivering or transporting or shipping or using or concealing or assisting to conceal or having in possession or attempting to hunt for catch take kill wound or transport contrary to this article or regulations adopted thereunder by the commission or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth or relating to the buying or selling or bartering of

I Each elk two hundred dollars and in the discretion of the court six months' imprisonment

II Each deer or bear one hundred dollars

III Each wild turkey ruffed grouse pheasant quail partridge or woodcock twenty-five dollars

IV Each raccon twenty-five dollars

V Each wild bird or wild animal ten dollars

In any case where any game bird or game animal was legally taken and held in possession after the time permitted by this article the fine shall be one-half of the fine above prescribed

In addition to the fine above prescribed any person who shall make use of or have in possession or under control a ferret or fitch contrary to the provisions of this article shall upon conviction be sentenced to pay a fine of twenty-five dollars for each ferret or fitch and costs of prosecution

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Articles VIII to XV inclusive, the Table of Contents, Preamble and Title were separately read and agreed to as follows:

ARTICLE VIII

Property Damage and Safety Regulations

(a) Property Damage Regulations

Section 801 Property Damage Prohibited It is unlawful for any person while hunting or trapping for wild birds or animals of any kind to cause damage or assist in causing damage or injury in any manner whatsoever to either real or personal property of any kind or to leave gates or bars open or to break down destroy or injure fences or to tear down or scatter rail post wood or stone piles or through carelessness or negligence to injure livestock of any kind

The foregoing provision shall not be construed to prevent the removal of a mortally wounded bird or animal from its place or refuge in a rail post wood or stone pile or fence if permission has first been obtained from the owner or person in charge of such property and provided such property is restored to the condition in which it was found

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

(b) General Safety Regulations

Section 805 Hunting Prohibited While Intoxicated or Under Influence of Narcotics It is unlawful to hunt or trap anywhere in this Commonwealth with firearms or with bow and arrow or to enter any of the fields or forests upon any lands or go upon any streams or other waters within or bordering upon this Commonwealth while possessed of a firearm of any kind or a bow and arrow for the purpose of hunting or trapping when intoxicated or under the influence of intoxicating liquor or narcotic drugs

The fact that any person shall be found in possession of a firearm of any description or a bow and arrow useable for the purpose of killing or taking wild birds or wild animals either in the field in the forest on the public highways or on the waters of this Commonwealth while intoxicated or under the influence of intoxicating liquor or narcotic drugs shall be considered "prima facie evidence" that such person is hunting or trapping contrary to the provisions of this section

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 806 Possession of Loaded Firearms and Certain Ammunition Restricted Except as otherwise provided by law it is unlawful for any person to have in his possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in or on any vehicle or conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use or used by the public within this Commonwealth Provided however that between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following any unloaded rifle being lawfully carried in accordance with the foregoing provisions which is capable of discharging a cartridge larger than a .22 calibre long rifle shall be so carried only when in a case or taken apart and securely wrapped but this requirement relative to carrying certain rifles in cases or securely wrapped shall not apply during the period extending from the day before to the second day following any open season for big game

Except during the open season for big game it is unlawful for any person to have in possession in or on any vehicle conveyanve or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use by the public within this Commonwealth between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following any rifle cartridge larger than a .22 calibre long riffe or any shotgun shell containing either a single bullet or pellets larger than a BB unless all such cartridges or shells are carried in unbroken original cartons or securely wrapped

The provisions of this section shall not be construed to apply to a public police officer engaged in the performance of his official duty or to an officer whose duty it is to enforce the game laws and engaged in the performance of his official duty

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 807 Shooting at Game While on Highways It is unlawful for any person to shoot at game while it is on a public highway or a highway open to use or used by the public or knowingly to shoot across a public highway or a highway open to use or used by the public hunting for game unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users thereof

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenyt-five dollars and costs of prosecution

Section 808 Prohibiting Shooting in Safety Zones It is unlawful for any person while hunting or trapping for wild birds or wild animals of any kind to shoot or discharge any firearm or other deadly weapon within one hundred and fifty yards of any occupied dwelling house residence or other building or camp occupied by human beings or any barn stable or other building used in connection therewith without the specific permission of the owner or tenant thereof

Any person who shall violate any of the provisions of

this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 810 Parties Hunting Small Game Limited During the open season for taking small game it is unlawful for more than five persons to hunt in unison or to cooperate in any manner with each other to hunt for wild animals of any kind other than big game

Each person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of five dollars and costs of prosecution for participating or cooperating in a hunt contrary to the provisions of this section

(c) Controlling Shooting During Big Game Season

Section 815 Certain Shooting During Big Game Season Prohibited It is unlawful for any person during the open season for taking big game to (a) shoot at any mark or target other than legal birds or animals with a firearm of any kind except at a properly constructed target or mark or a dead tree protected by a natural or artificial barrier so that the ball or bullet cannot travel more than fifteen yards beyond the target aimed at after making due allowance for deflection in any direction not to exceed an angle of forty-five degrees which target shooting shall be lawful only when done within two hundred yards of the camp or other headquarters where such person is quartered or is an invited guest or visitor or (b) to discharge any firearm at random in the general direction of any human being or in the general direction of any wild bird or animal for the purpose of routing or frightening the same or (c) to discharge any firearm at random or in any other manner contrary to the provisions of this section

Provided however that the provisions of this section shall not be construed to apply in any manner to the discharge of any firearm for the sole purpose of signalling for aid or assistance while in distress or to the use of rifle or pistol owned ranges leased or maintained by a State or Federal military or police organization or by any regularly organized rifle pistol or shotgun shooting association or club while shoting at a regularly established and properly safeguarded range or to any public shooting exhibition properly safeguarded and conducted under the direction of any organization for the promotion of marksmanship

Each person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution

(d) Sanatorium and Park Protection

Section 820 Sanatorium and Park Protection It is unlawful for any person within this Commonwealth to discharge a firearm of any description except in defense of person or property or at a properly constructed and designated pistol rifle or shotgun range or gallery upon the grounds belonging to or connected with and controlled as a public or private hospital or sanatorium or park or resort set apart to the use fo the public either free or otherwise and upon which human beings congregate in the open in quest of health recreation or pleasure

The boundary of such lands or premises shall be clearly defined by appropriate posters or markers calling attention to the fact that the land within such boundary has been set apart for the specific purpose for which it is intended and that shooting upon said property is prohibited

Provided That no privileges may be granted by those owning or operating such lands to any person to hunt for or shoot at either game birds or game animals upon such property

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

(e) Shooting Human Beings in Mistake

Section 825 Shooting at Human Beings in Mistake It is unlawful for any person while using a firearm of any kind or a bow and arrow to either shoot at wound or kill a human being in mistake for either game or a wild creature of any description provided however that no person shall be held to have violated the provisions of this section who while actually shooting at any game or wild creature shall accidentally shoot in the direction of or injure or kill another person

Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction of such offense shall be sentenced to pay the penalties herein provided

(a) Shooting at Human Beings in Mistake Every person who shall shoot at a human being in mistake in violation of the provisions of this section but who shall not injure the human being shot at shall upon conviction for the first offense be sentenced to pay a fine of not less than one hundred dollars or more than three hundred dollars and in addition to such fine shall be denied the right to hunt or trap in this Commonwealth with or without a license for a period of two years from the date of conviction to be noted upon the record of conviction as part of the sentence

(b) Wounding Human Beings in Mistake Every person who shall in violation of any provision of this section wound but not kill such human being shall upon conviction for the first offense be sentenced to pay a penalty to the party so injured of not less than two hundred dollars nor more than five hundred dollars and shall in addition to such cash penalty be imprisoned in the county jail of the county in which the offense was committed for a period of not less than one year or more than three years and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of five years from the date of such conviction to be noted upon the record of conviction as a part of the sentence

(c) Killing Human Beings in Mistake Every person who shall in violation of any of the provisions of this section kill a human being in mistake shall upon conviction for the first offense be sentenced to pay a penalty to the personal representative of the deceased of not less than five hundred dollars or more than one thousand dollars and shall in addition to such cash penalty imposed suffer imprisonment in the jail of the county in which the offense is committed for a period of not less than two years or more than five years and such person in addition thereto shall be denied the right to hunt or trap anywhere within this Commonwealth with or without a license for a period of ten years after the date of such conviction to be noted upon the record of his conviction as a part of the sentence

(d) Additional Penalties Every person convicted of either or any of the before-mentioned offenses who shall for any reason fail to pay the cash penalty imposed by this section for the specified offenses committed shall for the first offense in addition to any other term of imprisonment imposed by this section undergo an imprisonment of one day in jail for each dollar of penalty imposed Provided that no term of imprisonment suffered in lieu of any cash penalty imposed by this Section shall exceed one year

Every person who shall hunt or trap or attempt to hunt or trap with or without a license in this Commonwealth contrary to any sentence imposed for violation of any provision of this section shall upon conviction be sentenced to undergo imprisonment in the county jail of the county in which the conviction is secured for a period of not less than three months or more than six months.

(f) Accident Reports Required

Section 830 Accident Reports Required Every person who shall cause an injury to a human being by gunfire while hunting or trapping or shall have inflicted an injury upon himself with firearms or with bow and arrow while hunting or trapping shall render a report to the commission at Harrisburg on forms provided for that purpose within seventy-two hours after such injury unless such person be physically incapable of making the required report in which event it shall be the duty of the person causing the accident to designate an agent to file the report within the specified time

Any person who shall inflict bodily injury upon another or upon himself while hunting or trapping and who shall fail to submit the report specified within the required time shall upon conviction in a non-fatal accident

be sentenced to pay a fine of twenty-five dollars and costs of prosecution and for a fatal accident fifty dollars and costs of prosecution

(g) Assistance Required in Accidents

Section 835 Assistance Required in Accidents It is unlawful for any person who has inflicted injury to a human being by gunfire or with a bow and arrow while hunting or trapping to flee or to fail or refuse to render immediate and full assistance to the person so injured.

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of one hundred dollars and costs of prosecution and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of ten years

(h) Imprisonment Subsequent Offenses

Section 840 Additional Penalties Upon failure of any person convicted of a first offense of any of the provisions of this article to immediately pay the fine imposed and costs of prosecution such person shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense of any of the provisions of this article shall upon conviction be sentenced to pay a fine of twice the amount of the penalty imposed by any section of this article and the costs of prosecution, and upon failure to immediately pay the fine and costs so imposed shall be committed to the county jail in the county in which such offense was committed for a period of one day for each dollar of fine and costs imposed and in addition thereto shall be denied the right to hunt anywhere within this Commonwealth with or without a license for such period as the court may direct

ARTICLE IX

State Game Lands Refuges Preserves Etc

(a) State Game Lands

Section 901 Acquisition The commission may acquire title to or control of lands and or buildings within the Commonwealth or the hunting rights or other rights on lands suitable for the protection propagation and management of wildlife or for public hunting and trapping or administrative purposes or to be used as hereinafter provided by purchase gift lease or otherwise

The commission may also acquire title to lands by condemnation proceedings in the same manner as provided for the condemnation of lands for State Forests

The commission may also purchase tax delinquent lands from the commissioners of the respective counties or from the county treasurers of the respective counties as provided by law

The commission may acquire by purchase or otherwise timber minerals oil gas or other rights outstanding for or on lands which titles have been or are being acquired

The commission may exchange timber which should be cut to improve wild-life conditions or minerals or oil or gas from lands for which title has been acquired for suitable lands having an equal or greater value than the estimated value thereof

Lands for which titles are acquired may be designated State Game Lands or State Game Farms or State Game Propagation Areas depending upon the purpose for which they are to be used Other lands for which the commission secures control or partial control may be given such designation as the commission may decide or as may be agreed to by the owner thereof

The commission may lease or acquire title to lands from which the ownership of minerals oil or gas and the right to mine and drill for or remove the same have been excepted and reserved or from which water rights or timber or other rights have been excepted or reserved provided such exceptions and reservations will not seriously interfere with the purpose for which the property is acquired

All acquisitions of lands shall be made only with the consent of a majority of the commission The president shall represent the commission in the execution of land purchase contracts In the execution of leases and other similar agreements approved by the commission the executive director may represent the commission

The commission may lease or otherwise secure rights of way on and across either publicly-owned or privately-owned lands or water or other rights which may be required to conduct its proper functions

Section 902 Title and Control The title to any lands to be acquired by purchase gift condemnation exchange or otherwise shall be taken in the name of the Commonwealth for use of the Pennsylvania Game Commission

The title records for such lands shall first be carefully searched and examined by the commission through its employes or agents and when satisfied a valid title can be secured a brief of the title shall be submitted to the Attorney General or a deputy attorney general whom he may designate for such review as he may deem necessary and if he considers said title valid he shall approve it and so notify the commission

The deed to any such lands shall be deposited with the Secretary of Internal Affairs

The entire control of all such lands shall be under the direction of the commission

Section 903 Purchase Price No land to be used as State Game Lands shall be purchased at a price exceeding thirty dollars per acre except that the commission may pay what it considers a fair and reasonable price for land with or without buildings required for administrative purposes in connection with State Game Lands or State Game Refuges

For land to be used as State Game Farms the commission may pay what it considers a fair and reasonable price consistent with farm values in the locality in which any such land may be located

For timber minerals oil gas or other rights outstanding for or on lands for which titles have been or are being acquired the commission may pay such prices as it considers fair and reasonable

Buildings for administration management or other purposes with or without land may be purchased or constructed and land may be purchased upon which to construct such buildings at prices which the commission considers fair and reasonable consistent with the purpose for which intended

The commission may expend for lands or buildings or other improvements or for leases during any year such amount as in its opinion can be allotted for such purposes

Section 904 Exchange or Sale The commission may by resolution adopted by unanimous vote at a meeting when at least a majority of the members are present and voting authorize the exchange of any lands for which title has been acquired or part thereof or buildings or other improvements and appurtenances thereto for privately-owned lands or buildings having an equal or greater value and suitable for wild-life purposes when the commission deems such exchange for the best interests of the wild-life of the Commonwealth

Such lands may also be sold to the Department of Forests and Waters of this Commonwealth or to the United States of America for National Forests or may be exchanged with such agencies for State Forests or National Forests when the best interests of the wild-life of the Commonwealth can thus be attained

The necessary deeds or records to consummate such sale or exchange shall be subject to approval of the Attorney General or a deputy attorney general whom he may designate and shall be executed by the president of the commission acting for the Commonwealth The proceeds of any such sale shall be deposited in the Game Fund

Section 905 Fixed Charges Lands or buildings to which title has been taken in the name of the Commonwealth for use of the commission by purchase gift or otherwise shall be exempt from the payment of all taxes except such fixed charges as apply to and are imposed upon State Forests

Section 906 Use of Lands Lands for which title has

been acquired for use of the commission or which have been leased or any part thereof may be used for the purpose of creating and maintaining State Game Refuges and Public Hunting Grounds either or both or for the propagation of game or for game propagation experiments or for special preserves as hereinafter provided and as much thereof as deemed necessary may be used for the administration development and magagement of such lands and the commission may permit its employes or agents to reside thereon

The commission may cut or cut and remove and sell or otherwise dispose of or permit the cutting removing and selling of timber on lands for which title has been acquired

The commission subject to the approval of the Governor may sell or lease minerals or oil or gas on in and under lands for which title has been acquired for its use when such disposition appears to the commission to be for the best interests of the Commonwealth provided however that when the estimated value of such minerals or oil or gas exceeds five hundred dollars the proposed sale or lease shall be advertised at least once a week for three successive weeks in two or more newspapers published in the general locality of the lands in question

The commission may sell or otherwise dispose of less valuable sand clay stone or other minerals or other products from said lands when such sale or disposition will not in the opinion of the commission adversely affect game protection or propagation or public hunting

The commission may grant rights of way or licenses for rights of way for roads pipe lines electric lines telephones lines and telegraph line on and across lands for which title has been acquired for its use when such grants will not in the opinion of the commission adversely affect game protectinon and propagation and shall charge for such licenses such remuneration and damages as the commission deems the conditions and circumstances warrant

The commission may grant water rights or rights to maintain airway beacon lights or forest fire observation towers on lands acquired for its use when such grants will not adversely affect game protection and propagation and may charge for such licenses such rental and damages as the commission deems the conditions and circumstances warrant

No camp site lease may be issued to any person nor shall overnight camping be permitted on State Game Lands except that such rights may be granted to officers or agents of the commission or the Board of Fish Commissioners or the Department of Forests and Waters or the United States Forest Service or any other governmental agency when necessary for the performance of official duties incident to wild-life or forest preservation

All net proceeds from the sale of timber or the sale or leasing of minerals or of oil or gas or other products or for licenses or other rights granted by the commission shall be deposited in the Game Fund

Section 907 Buildings Other Improvements The commission may purchase erect or otherwise acquire or secure the use of and repair and maintain such buildings or other improvements on lands acquired for its use or under its control as may be deemed necessary for their proper utilization maintenance protection development administration propagation of wild-life experimental activities of any other purpose incident to the commission's functions

The commission may sell or otherwise dispose of buildings or other improvements on lands for which title has been acquired for its use or buildings or other improvements which it erected or purchased or otherwise acquired on lands under its control when such buildings or other improvements are no longer of use to the Commonwealth except that no building valued at five hundred dollars of more shall be sold without appropriate public advertisement The net proceeds of such sale shall be deposited in the Game Fund

(b) State Game Refuges

Section 915 Authorization The commission may establish and maintain State Game Refuges for the protection and propagation of wild-life on all or any portion of State Game Lands wherein and whereon game animals and game birds and fur-bearing animals shall not be hunted pursued disturbed or molested or killed at any time except by such agents as may be authorized by the commission

The commission may also with and by the consent of the proper authorities locate and maintain such State Game Refuges on State Forests National Forests or other publicly-owned lands within the Commonwealth The commission may also establish and maintain such refuges on privately-owned lands leased for this purpose

Section 916 Boundary Lines The boundary line of each State Game Refuge shall be surrounded by a well-defined fire line road or other clear strip of land and by at last one strand of wire Along the boundary of each such refuge there shall be posted in conspicuous places not more than one hundred and fifty yards apart notices bearing the following "State Game Refuge Hunting Is Unlawful" and such other information or other signs or posters as the commission may deem advisable

(c) Auxiliary State Game Refuges

Section 924 Authorization The commission may establish and maintain Auxiliary State Game Refuges State Game Propagation Areas and Special Preserves of such size as the commission may determine for the protection and propagation of wild-life wherein and whereon game animals game birds fur-bearing animals and predators shall not be hunted pursued disturbed or molested at any time except as may be authorized by the commission on lands suitable for such purpose and may create and maintain public hunting and trapping areas in conjunction therewith

Suitable lands owned or controlled by individuals corporations associations municipalities or by the State or National Government may be used for such purpose subject to permission of the proper authorities or persons owning or controlling the same

The hunting rights for such lands shall by written agreement or lease be vested in the Commonwealth for use of the commission by the owner or owners or persons having legal control and authority to vest such rights or proper governmental agencies for an uninterrupted period of five years or more The commission may authorize and empower the executive director to execute such agreements or leases on behalf of it and the Commonwealth

The executive director on behalf of the commission and the Commonwealth may cancel such an agreement or lease upon sixty days' notice to the lessor when in the judgment of the commission the use of such lands is no longer needed or desired or in case the owner or owners desire to sell such property and such sale cannot be consummated subject to said lease provided the executive director is satisfied the principal object of such sale is not to convert to private use the hunting trapping or fishing rights made more valuable through the use of such property as an Auxiliary State Game Refuge or special preserve or game propagation area

Section 925 Application Whenever the owner or owners or persons having legal control or interested persons or associations desire to have the commission establish one or more Auxiliary State Game Refuges on all or any part or parts of land suitable for the purpose and containing not less than 100 acres they may make application to the commission on forms which shall be provided for that purpose giving the following information

(a) The name and address of the owner or person or agency having legal control and having authority to execute an agreement or lease

(b) The location of the property and the acreage contained in it

(c) A map of the property wherever available

(d) Description of the character of the land and the wild-life thereon

(e) Statement as to whether or not the owner or person in control of the property has agreed to execute an agreement or lease vesting the hunting rights in the Commonwealth for use of the commission for a period of five years or more

(f) Statement that the owner or person in control will agree that no hunting or trapping shall be permitted

on any part of the property set aside as a refuge or refuges

(g) Whether or not the owner or person in control will agree to permit hunting and trapping by the public on the balance of the property other than safety zones

(h) Whether or not the owner or person in control of the property expects the payment of a rental

(i) And such other information as the commission may require

If upon investigation the commission is satisfied one or more refuge areas should be established on all or any part of such area and if the owner agrees that public hunting and trapping will be permitted except within one hundred and fifty yards of buildings on the remaining portion of the area covered by the agreement it may proceed accordingly

Section 926 Agreement or Lease A written agreement or lease vesting the hunting rights of such property in the Commonwealth for use of the commission may then be prepared and submitted to the proper person or agency for execution and when properly signed it may be executed on behalf of the Commonwealth by the executive director acting for the commission After the agreement or lease is fully executed the commission may declare all or any portions of said property an Auxiliary State Game Refuge or Refuges and the balance if any shall be open to public hunting except within one hundred and fifty yards of buildings

Section 927 Auxiliary Boundary Lines Each Auxiliary State Game Refuge shall be surrounded by a well defined line such as a fence and if a suitable fence or some other suitable marker is not available then at least one strand of wire shall be erected Along the boundary line of each such refuge there shall be posted in conspicuous places not more than one hundred yards apart notices bearing the following "Auxiliary State Game Refuge Hunting is Unlawful" and such other information or such other signs or posters as the commission may deem advisable

(d) Game Propagation Areas Preserves Etc

Section 930 State Game Propagation Areas The commission may declare and set aside any suitable area of land as a State Game Propagation Area wherein certain species of wild-life may be provided an opportunity to breed and propagate under natural conditions and wherein and whereon no wild-life shall be hunted pursued disturbed or molested or killed at any time except as may be authorized by the commission and from which animals and birds may be removed for stocking purposes elsewhere by the commission or its agents Such areas may be managed and developed as the commission considers advisable or necessary for the successful propagation and increase of wild-life The commission may adopt such rules and regulations governing such areas as it deems essential

Such propagating areas may be set up on and within publicly-owned or privately-owned lands within the Commonwealth with the approval of the proper authorities or person or persons owning or controlling same

The boundary lines of each State Game Propagation Area shall be plainly marked and well posted with notices to the public indicating the purpose of such protected area and calling attention that hunting or trapping therein or thereon is unlawful at any time of the year and citing the penalty or penalties for violating its sanctity or any regulations adopted by the commission for its management and protection

It is unlawful for any person to hunt or trap or attempt to hunt or trap or in any manner to disturb or molest any game birds or game animals or other wild-life on any area set aside as a State Game Propagation Area or to enter such areas contrary to the rules and regulations which the commission may adopt

Section 935 Dog Training Preserves The commission may set aside and maintain training preserves under such regulations and restrictions as the commission deems advisable regardless of any other provisions of this act wherein and whereon dogs used especially for hunting of game may be trained or where field trials for such dogs may be conducted

The commission may designate for such purpose for any one preserve not to exceed one thousand acres of State Game Lands or other lands leased or controlled by suitable agreement for such purpose Such area shall be suitably marked and posted by the commission

The commission shall have the right to restrict or permit the hunting and/or shooting of such species of game on a dog training preserve as it may deem advisable and to adopt and put into effect such predator control measures or such other rules and regulations as conditions warrant or require

It is unlawful for any person to hunt or trap or attempt to hunt or trap or in any manner to disturb or molest any game birds or game animals or other wild-life on any area set aside as a dog training preserve contrary to the rules and regulations which the commission may adopt

Section 936 Archery Preserves The commission may set aside and maintain not to exceed two archery preserves wherein and whereon it shall be unlawful to hunt for or take game of any kind by any other means or device than through the use of a bow and arrow The commission may adopt such further rules and regulations governing the taking of game on archery preserves as it deems advisable

The commission may designate for such purpose for any one archery preserve not to exceed one thousand acres of State Game Lands or other lands leased or controlled by suitable agreement for such purpose Such area shall be suitably marked and posted by the commission No one shall hunt on a special archery preserve with bow and arrow without first having secured a hunting license in accordance with the provisions of this act and in addition all such persons shall first obtain a special Archery Preserve Permit from the commission the fee for which is hereby fixed at Two Dollars Such special Archery Preserve Permits shall be attached to the hunter's license certificate for the current year and shall be countersigned in ink diagonally across its face by the owner before hunting on an archery preserve

It is unlawful for any person to hunt for pursue take or kill or attempt to hunt for pursue take or kill any game birds or game animals on any area set aside as an archery preserve contrary to the provisions of this section or any rules and regulations which the commission may adopt

(e) Regulations Penalties

Section 940 Rules and Regulations The commission is hereby empowered to formulate adopt post and enforce such rules and regulations for the management and government of lands acquired for its use or under its control by lease or agreement or for refuges or State Game Farms or State Game Propagation Areas or special preserves as it may deem necessary or advisable for their proper use and administration or as may be established pursuant to agreement with the Department of Forests and Waters the Board of Fish Commissioners or any Federal authority or with lessors

Such rules and regulations shall be the law of this Commonwealth relative to such lands or refuges or game farms or game propation areas or special preserves and it is unlawful for any person to violate any of the rules and regulations so adopted by the commission A violation of any of the provisions of such rules and regulations shall subject the offender to the penalties hereinafter provided and in addition thereto such person shall pay the penalties hereinafter provided for hunting or trapping or catching or killing or wounding or driving or attempting to hunt trap catch kill wound or drive any birds or animals within such refuges or game farms or game propagation areas or special preserves contrary to the provisions of this article or the rules and regulations adopted by the commission

Section 941 Entry Upon Refuges It is unlawful for any person except by special permission of a duly authorized representative of the commission or as hereinafter in this section provided to enter or go upon a State Game Refuge or an Auxiliary State Game Refuge during any open season for the hunting of game or to enter or go upon such a refuge at any time of the year with firearms or bows or traps or dogs or to permit a dog or dogs under his control to enter any refuge The commission however is

hereby empowered by adopting a suitable regulation under provisions contained in section 940 of this act to prohibit a person or persons from entering or going upon any such refuge or all such refuges at any or all times of the year should it deem such action advisable

In connection with their official duties it is lawful for any member of the commission or any employe or duly appointed agent of the commission or of the Department of Forests and Waters or of the Board of Fish Commissioners or of the United States Forest Service or a State or local police officer to go upon a game refuge or a preserve or a State game propagation area at any time of the year with or without firearms traps or dogs

It is lawful for any person or persons firms companies corporations etc owning mineral oil gas or timber rights on in or under a game refuge or a State game propagation area or their specifically designated agents to go upon such a refuge or propagation area when absolutely essential in connection with their reserved rights thereto

It is lawful for an employe or duly authorized agent of the commission under the direction of the executive director or other administrative officer designated by him to trap and remove game or fur-bearing animals from game refuges or preserves or game propagation areas for stocking purposes elsewhere and to trap or hunt for predatory animals at any time and in any manner approved by the commission or the executive director or an administrative officer designated by him

The commission through the executive director or other administrative officer designated by him may grant a special written permit to persons regularly residing on land upon which one or more Auxiliary State Game Refuges are located which permit may be revoked at any time to have traps dogs firearms or bows and arrows in his or her possession on such a refuge so long as they are not used in hunting or trapping or which dogs are not permitted to chase or disturb game except when taking or destroying predators under special permit or when traps are used in removing game for stocking purposes elsewhere

The commission through the executive director or other administrative officer designated by him may grant written permits to responsible persons to hunt or trap for predators and to use dogs or firearms in connection therewith on game refuges or propagation areas under the commission's control except that such permit shall not be effective during any open season for game

The commission may adopt rules and regulations setting forth the manner in which persons working upon or living within Auxiliary State Game Refuges may be or go upon such refuges at any time

Except as in this article otherwise provided it is unlawful for any person to hunt for or trap or catch or kill or wound or drive or to attempt to hunt for or trap or catch or kill or wound or drive any birds or animals within the limits of a State Game Refuge or an Auxiliary State Game Refuge

Section 942 Protective Measures (a) It is unlawful for any person without the consent of the commission or any of its authorized employes to willfully or maliciously cut bark from or cut down or remove or otherwise injure or destroy a tree or trees or a shrub or shubs or parts thereof growing upon lands acquired for use of the commission or to wilfully negligently or maliciously do or cause to be done any other act to the detriment of such lands or the trees or shrubs growing thereon

(b) It is unlawful for any person or persons without the consent of the commission or any of its authorized employes to kindle fires or for any person or persons to drop lighted matches or cigars or cigarettes or to empty burning tobacco from a pipe on or upon lands acquired for use of the commission or under its control when there is any danger whatever of a forest fire resulting

(c) It is unlawful for any person or persons to remove sand or stone or clay or other minerals or property from lands or waters acquired for the use of the commission except by written permission from the commission or its duly authorized employes

(d) It is unlawful for any person to wilfully negligently or maliciously cut remove cover up deface or otherwise mutilate injure or destroy any placard sign or poster of the commission on any lands acquired for its use or under its control

(e) In addition to such protection as the commission may provide against violation of game fish and forestry laws on and within lands for which the hunting rights have been vested in the Commonwealth for its use the commission's duly authorized officers are hereby empowered to arrest without warrant and to prosecute hunters or trappers caught in the act of destroying or damaging property or injuring farm live-stock on or within such lands

(f) It is unlawful for any person to fish or attempt to fish or to take fish from the waters within the boundaries of any State Game Refuge except from such streams or parts thereof as the commission may declare open to lawful fishing in accordance with the Fish Laws of the Commonwealth or under such provisions or regulations as may be agreed upon with the Board of Fish Commissioners or the Commissioner of Fisheries

(g) It is unlawful for any person to post the commission's State Game Refuge or Auxiliary State Game Propogation Area or other preserve signs or notices on any other lands thna those herein provided

Section 943 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecutions for each offense

(a) For going upon a State Game Refuge or an Auxiliary State Game Refuge or for permitting a dog or dogs to enter any such refuge in violation of any of the provisions of this article twenty-five dollars ($25.00) and in addition thereto such person shall pay the penalty hereinafter prescribed

(b) For going upon a State Game Propagation area or a State Game Farm or any special preserve in violation of any of the provisions of this article or any rules and regulations adopted by the commission relative thereto twenty-five dollars ($25.00) and in addition thereto such persons shall pay the penalty hereinafter prescribed

(c) For violating any of the provisions of paragraph (a) of section 942 of this article twenty-five dollars ($25.00) for each tree or shrub or part thereof or other damage committed and shall pay double the value of each tree or shrub cut down or felled and treble the value in case such tree or shrub is removed from the land where grown as determined or estimated by the Commission's employes

(d) For violating any of the provisions of paragraph (b) of Section 942 of this article twenty-five dollars ($25.00) and in addition thereto shall be subject to the provisions and penalties prescribed in the Acts of May 4 1927 P. L. 737 April 3 1929 P. L. 135 and May 22 1933 P. L. 178 or to subsequent acts amending or replacing these acts

(e) For violating any of the provisions of paragraph (c) of section 942 of this article twenty-five dollars ($25.00) and in addition thereto the value of such materials as estimated by the commission's employes

(f) For violating any of the provisions of paragraph (d) of section 942 of this article ten dollars ($10.00)

(g) For violating any of the rules and regulations of the commission adopted in accordance with the provisions of this article twenty-five dollars ($25.00)

(h) Except as otherwise herein provided for hunting or trapping or catching or killing or wounding or driving or molesting or removing or attempting to hunt for or trap or catch or kill or wound or drive or molest or remove any wild birds or wild animals within the limits of a State Game Refuge or an Auxiliary State Game Refuge or a State Game Farm or a State Game Propagation area or a special preserve contrary to the provisions of this article or for violating any of the provisions of this article not hereinbefore specifically provided for

I Each elk two hundred dollars
II Each deer or bear one hundred dollars
III Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars
IV Each raccoon twenty-five dollars
V Each other wild bird or wild animal ten dollars

(i) For resisting an officer of the commission when

attempting to arrest a person for violation of any property damage law of this Commonwealth or of any law of this Commonwealth intended to protect farm live-stock or human life for a violation occurring on lands leased by the commission or under its control one hundred dollars ($100.00)

Upon failure of any person convicted of a first offense under the provisions of this article to immediately pay in full the fine imposed and costs of prosecution and any damages assessed he shall be subjected to imprisonment one day for each dollar of fine imposed and costs of prosecution and damages assessed remaining unpaid

Any person convicted of a second or subsequent offense shall be liable to double the fines herein provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

ARTICLE X

Unnaturalized Foreign-Born Residents

Section 1001 Definition of Unnaturalized Foreign-born Residents For the purpose of this article any unnaturalized foreign-born person who shall live or reside within the boundaries of the Commonwealth for ten consecutive days shall be considered an unnaturalized foreign-born resident and shall be liable to the fines imposed for violations of the provisions of this article

Section 1002 Hunting Et Cetera Possession of Firearms or Dogs It is unlawful for any unnaturalized foreign-born resident to hunt for or capture or kill or attempt to capture or kill or aid or assist in the capturing or killing of in any manner any wild bird or wild animal of any description either game or otherwise and to that end it is unlawful for any unnaturalized foreign-born resident to either own or be possessed of a shotgun or rifle or pistol or firearm of any make or kind or a dog of any kind

Any person charged with a violation of any of the provisions of this article shall be required to bear the burden of proof that he is a citizen of the United States

Section 1003 Prima Facie Evidence of Violations The possession of a shotgun or rifle or pistol or firearm of any make or kind or of a dog of any kind by an unnaturalized foreign-born resident shall be prima facie evidence of a violation of the provisions of this article

The presence of a shotgun or rifle or pistol or firearm of any make or kind or of a dog of any kind in a room or house or building or tent or camp of any description occupied or controlled by an unnaturalized foreign-born resident shall be prima facie evidence that such firearm or dog is owned or controlled by the person occupying or controlling the property in which the same is found and shall render such person liable to the fines imposed by this article

Section 1004 Penalties Any person violating the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecutions for each offense

For the capture or killing or aiding in the capturing or killing contrary to the provisions of this article any wild bird or animal

(a) Each elk two hundred dollars and in the discretion of the court six months' imprisonment

(b) Each deer or bear one hundred dollars

(c) Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars

(d) Each raccoon twenty-five dollars

(e) Each other bird or animal ten dollars

For hunting in any manner or for owning or possessing a shotgun or rifle or pistol or firearm contrary to the provisions of this article twenty-five dollars and costs of prosecution

For owning or possessing a dog contrary to the provisions of this article fifteen dollars and costs of prosecution

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second and subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Section 1005 Forefeiture of Firearms and Dogs All shotguns rifles pistols firearms and dogs found in possession or under control of an unnaturalized foreign-born resident shall upon the conviction of any such person or upon his signing an acknowledgement of guilt as hereinafter provided in this act be forfeited to the Commonwealth All such firearms shall be sold by the commission as hereinafter provided All such dogs shall be either killed in a humane manner or disposed of in such manner as the commission may direct

ARTICLE XI

Bounties

Section 1101 Authority to Pay Bounties on Predators Whenever in the opinion of the commission it is desirable or necessary for the better protection of game to pay rewards or bounties for the killing of any predators in any part of or throughout this Commonwealth the said commission is hereby authorized to pay such bounties for the destruction of predators and in such amounts and during such periods as it shall by general rules or regulations prescribe but in no case shall the amount so paid exceed the following bounties for the birds and animals herein enumerated For each Canada or Bay Lynx commonly called bobcat or wildcat fifteen dollars for each fox four dollars for each weasel one dollar and for each goshawk or other predatory bird five dollars

All bounties authorized by said commission shall be paid only upon such conditions as may be prescribed in said regulations and upon such proofs and in such manner as hereinafter provided

Section 1102 Notice of Change in Bounties Before any change in the rate of bounty or other rules and regulations adopted relative thereto shall become effective the commission shall give not less than sixty days advance notice setting forth the effective date of such rates rules and regulations in the Pennsylvania Game News and through such other sources of public information as the commission may deem essential Provided however that until the commission fixes the rate of bounty in the manner herein stipulated bounty payments shall continue in effect in accordance with the provisions of Section 1001 of the Act of May 24 1923 Pamphlet Laws 359 as amended

Section 1103 Making Claim for Bounty Any person having killed in a wild state within this Commonwealth any such predator and being desirous of securing the reward or bounty provided for such killing shall produce such slain predator or the entire pelt of any animal and the entire body of any bird before any game protector or deputy game protector or any other person authorized to administer oaths within this Commonwealth and shall make affidavit on forms supplied by the commission that (a) he or some member of his immediate family or household naming such person killed the same (naming it) (b) stating the date of such killing (c) that it was killed in a wild state (d) that the place (naming it) where such animal or bird was killed was within the Commonwealth (e) that such animal or bird was not reared or held in captivity and released and (f) that such person was not responsible directly or indirectly for having such animal or bird imported into the Commonwealth or released

Each officer other than a salaried game protector shall receive a fee of twenty-five cents for each affidavit containing one claim and fifty cents for each affidavit containing more than one claim Game Protector and deputy game protectors are authorized to administer the oath required by this section Deputy game protectors shall supply seals at their own expense

The claimant for bounty shall forward such affidavit and the unmutilated salted or cured skin or pelt of the animal or animals to the director at Harrisburg within four months from the date of killing and the affidavit and the entire body of any bird shall be forwarded delivered to the director at Harrisburg within forty-eight hours after killing

In no case except for the killing of predatory birds shall a bounty be paid where the whole carcass or body of the

raw unsalted or undried skin of an animal is received by the commission

Section 1104 Payment of Bounties Monthly Accounting Upon receipt of such affidavit and skins or pelts in proper form or the entire body of any bird or birds if the director is satisfied that the skins or pelts or birds presented to him are the skins or pelts of animals or birds for the killing of which a bounty is offered and that such claims are in all respects legitimate he shall split the face of the skin from a point between the eyes through the end of the nose and shall as quickly as may be forward the commission's check to the claimant for the amount found to be due and shall if requested return all such skins or pelts at the expense of the game fund to such address within the Commonwealth as the owner may direct No predatory bird presented for bounty shall be returned to the claimant

The director shall at least once a month render an accounting to the Auditor General in such form as he may prescribe of all claims paid giving the name and address of the payee

Section 1105 Unlawful Collection of Bounties Penalties It is unlawful for any person to collect or attempt to collect or to aid conspire or assist in the collection of a bounty through the presentation of a skin or a carcass or any part thereof of any animal or bird upon which no bounty is authorized in accordance with the provisions of this act or through deception of any character or to present for the purpose of collecting a bounty the skin or carcass or any part thereof an animal or bird that has been reared or held in captivity or released or the skin or carcass or any part thereof of any animal or bird captured outside of this Commonwealth or to collect or attempt to collect or to aid conspire or assist in collecting a second bounty for the killing of any animal or bird upon which a bounty has already been paid

Any person who shall wilfully or fraudulently collect or attempt to collect or aid conspire or assist in collecting any bounty to which the claimant or any other person is not legally entitled under the provisions of this act or shall aid abet or assist in any capacity officially or otherwise in any attempt to defraud the Commonwealth through the collection or payment of any reward or bounty shall be guilty of perjury and punishable as a misdemeanor where a false affidavit is made and in addition thereto upon conviction in a summary proceeding or upon signing an acknowledgement of the offense committed shall be sentenced to pay to the Commonwealth for the use of the game fund a fine of one hundred dollars and costs of prosecution and in default of the payment of the fine and costs so imposed shall suffer imprisonment in the jail of the county in which the affidavit is made for a period of one day for each dollar of costs and fine imposed and unpaid

Any person who shall collect a bounty to which such person is not legally entitled under the provisions of this act shall in addition to the fines herein imposed be required to refund to the commission such amounts as shall have been unlawfully collected

All skins of animals or parts thereof or the bodies of any birds or parts thereof presented for bounty in a false claim for which no bounty is provided or otherwise contrary to the provisions of this act are hereby declared forfeited to the Commonwealth and shall be disposed of by the director

ARTICLE XII

Enforcement Of Acts Procedure Penalties

Section 1201 Jurisdiction Except in cases where the offense is designated a misdemeanor or a felony each magistrate alderman and justice of the peace shall have the power of summary conviction in matters pertaining to violations of any of the provisions of this act

Section 1202 Procedure All summary proceedings under the provisions of this act shall be commenced by affidavit made within two years after the date of any violation

Any magistrate alderman or justice of the peace on complaint made before him by affidavit charging any person with having violated any of the provisions of this act or any of the rules and regulations issued by the commission pursuant to this act shall issue his warrant under his hand and seal directed to any constable police officer game protector or any officer whose duty it is to enforce the game laws of this Commonwealth and cause such person to be brought before him

When any person is arrested without warrant the officer making the arrest shall immediately except on Sunday take such person before a magistrate alderman or justice of the peace and make complaint by affidavit

The magistrate alderman or justice of the peace or the court in case of appeal shall in all cases hear the evidence and determine the guilt or innocence of the person accused If such person is convicted of the offense charged and if the magistrate alderman or justice of the peace or the court on appeal shall also find that any bird or animal or part thereof or of any firearm trap dog boat conveyance vehicle or its attachments or any device implement or appliance the use of which is expressly forbidden by this act and found in possession of the defendant is unlawfully possessed and liable to forfeiture to the Commonwealth the defendant shall be sentenced to forfeit to the Commonwealth such bird or animal or part thereof or such of the before-mentioned unlawful articles and equipment as shall have been found to be unlawfully used or unlawfully in his possession and also to pay the full fine prescribed by this act for such violation together with costs of prosecution and in default of the payment of such fine and costs shall be sentenced to imprisonment one day for each dollar of fine and costs so imposed and shall also be sentenced to forfeit to the Commonwealth such property implements devices or any bird or animal for the use of or disposal by the commission

Section 1203 Acknowledgment of Guilt Any person charged with violating any provisions of this act may sign an acknowledgement of the offense committed either before or after the beginning of suit and pay to any duly appointed and commissioned game protector or deputy game protector the fine provided by this act together with costs accruing to that date and surrender to the Commonwealth any bird or animal or part thereof or any article implement device or equipment the use of which is expressly forbidden by this act unlawfully taken or possessed Such person shall receive a printed receipt therefor which shall bear the imprint of the seal of the commission and the signature of its executive director which shall be evidence of full satisfaction of the offense committed

Section 1204 Without Warrant Seizure of Certain Property and Game Any officer whose duty it is to enforce the game laws of the Commonwealth may arrest without warrant any person caught in the act of violating any of the laws relating to game or other wild birds or wild animals or in pursuit immediately following any such violation He may seize all guns shooting or hunting paraphernalia traps dog boats automotive equipment or any unlawful device implement or other appliance used in violation of any such laws or which he may find in the execution of a search warrant and may seize all birds or animals found either on the possession or under the control of the suspected person

Section 1205 Arrests on Sunday Any officer whose duty it is to enforce the game laws of the Commonwealth may arrest on Sunday without warrant any person caught or found in the act of violating any of the laws relating to game or other wild birds or wild animals or in pursuit immediately following such violations and in such cases the person arrested may be committed by the officer making the arrest to the jail or lockup for safekeeping for that day unless such person deposits with the officer making the arrest in trust a sum of money equivalent to the amount of fine imposed for the violation committed Such person shall be taken before a proper magistrate alderman or justice of the peace and be proceeded against on the week day following the arrest

Section 1206 Search Warrants Whenever any individual makes any complaint in writing before any magistrate alderman or justice of the peace supported by his oath or affirmation and subscribed to by him alleging that there is probably cause to believe and that he has just and reasonable grounds for believing and does believe that certain birds or animals have been caught taken killed pos-

sessed shipped or are about to be shipped or that a firearm or dog is concealed by an unnaturalized foreign-born resident contrary to the provisions of this act and describing as nearly as may be the things to be searched for and the place or places to be searched shall issue a search warrant and cause search to be made

Section 1207 Penalty for Resisting Arrest Any person who by force menace threat or in any manner resists inspection or arrest for violation of any of the provisions of this act or refuses to go with an officer after an arrest has been made or interferes with any officer of the Commonwealth in the performance of his duty under the provisions of this act shall upon conviction be sentenced to pay a fine of one hundred dollars and cost of prosecution and in default of the payment of such fine and costs shall be imprisoned one day for each dollar of fine and costs

Section 1208 Refusal to Assist Officers Any person who refuses upon request to assist any officer whose duty it is to enforce the provisions of this act shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution and in default of the payment of such fines and costs shall be imprisoned for ten days

Section 1209 Investigations by Officers Etc Any officer investigating any violation of the game laws is hereby authorized to administer oaths relative to such matter and where birds or animals of any kind or any firearm device implement or equipment the use of which is expressly forbidden by this act no matter where found are found in possession or under control of an individual or hunting party the person or persons in charge or in possession or control of such birds or animals or any of the devices or equipment herein named shall answer satisfactorily immediately under oath if required such questions relating to the taking or ownership or possession of same as may be considered necessary by the officer investigating and in every case where such person or persons in charge or in possession or in control of such birds or animals or any of the devices or equipment herein named refuse to so answer such question the birds or animals or any of th edevices or equipment herein named thus found are hereby declared forfeited to the Commonwealth and such officer is directed to take charge of and dispose of same as provided by this act

Section 1210 Review of Proceedings by Court of Quarter Sessions Any person convicted of violating any of the provisions of this act may enter into good and sufficient recognizance to pay the fine imposed and costs within a period of ten day after the date of his conviction or may certiorari or appeal the proceedings within five days after such conviction to the court of quarter sessions of the county in which convicted Any prosecutor dissatisfied with the finding of any magistrate alderman or justice of the peace may in like manner appeal to said court within said period All such appeals shall be only on allowance of the court of quarter sessions or a judge thereof on cause shown and shall be determined by the court of quarter sessions without a jury

Section 1211 Fines to be Forwarded to Director All fines recovered in cases where the prosecutor is a salaried officer of the Commonwealth shall be immediatly surrendered by the court receiving the same to the prosecutor who in turn shall forward or deliver such fines and penalties to the director within fifteen days

Where any officer of the Commonwealth other than a salaried officer is the prosecutor the fines and penalties shall as soon as the case is fully determined before him be forwarded by such magistrate alderman or justice of the peace to the director at Harrisburg together with a statement of the cause for which such fines were collected the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution

All fines received by the director shall be paid into the State Treasury by and through the Department of Revenue for the use of the game fund

Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate alderman or justice of the peace imposing or receiving the same to the director upon forms furnished by the Department of Revenue such reports shall be made monthly not later than the tenth day of the following month

Any magistrate alderman or justice of the peace who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of one hundred dollars ($100.00) and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 1212 Return of Fees Fines or other Moneys Erroneously Paid Into Treasury Whenever the commission is satisfied that any fee fine or any other moneys paid into the State Treasury under any of the provisions of this act were erroneously collected and deposited the commission within twelve months after such deposit may by resolution authorize the director to draw a requisition upon the game fund for the amount involved Upon receipt of such requisition and an extract of the minutes of the commission the Auditor General shall draw his warrant upon the State Treasurer in favor of the person from whom such fee fine or other money was erroneously collected

Section 1213 When Certain Convictions to be Deemed Second Convictions Any person convicted or pleading guilty or signing an acknowledgement of guilt under the provisions of this act who prior thereto was convicted or plead guilty or signed an acknowledgment of guilt for violating any of the game laws then in force shall be sentenced under this act and be denied by the commission or by this act the right to hunt anywhere with or without a hunter's license in the same manner as if such person had been convicted of a second offense against this act

Section 1214 Disposition of Seized Birds and Animals All wild birds and wild animals or part thereof found in the possession of any person not legally taken and seized under the provisions of this act or killed as a protection to property except as hereinbefore provided shall be forfeited to the Commonwealth for the use of the commission

All dead game so forfeited shall be forwarded or delivered immediately to the most convenient charitable institution or other charitable agency designated by the director

All live game and all other wild birds and animals or parts thereof not classed as game so seized shall be disposed of by the director

Section 1215 Disposition of Seized Property When Defendant Convicted When a defendant is convicted of violating any of the laws relating to game or other wild birds or wild animals and pays the fine and costs imposed all guns traps boats dogs and other shooting or hunting paraphernalia vehicles or conveyances or any device implement or appliance seized in connection with his arrest shall if the use of the same is not forbidden by this act be returned to the defendant except in the case of the conviction of any unnaturalized foreign-born person and in case the fine and costs are not so paid in full all property other than illegal devices so seized shall be sold at public auction in such manner and subject to such conditions as the director shall direct The cost of any such sale shall be part of the costs of prosecution Any fund arising from any such sale shall be applied first to the cost of the sale second to the payment of costs of prosecution and third to the payment of the fine imposed The remainder if any shall be returned to the owner of the property thus seized The defendant shall be entitled for the first offense ony to the credit of one day off his imprisonment for each dollar applied toward the payment of his fine

Property seized the use of which is forbidden by this act or firearm so seized which is unfit or unsafe for further use shall be forfeited to the Commonwealth and be disposed of by the director Firearms which are unfit or unsafe for further use shall be permanently destroyed

Any motor vehicle and its attachments or any motor trailer and its attachments seized and forfeited to the Commonwealth in accordance with the provisions of this act shall be advertised in a newspaper of general circula-

tion published in the county once a week for two consecutive weeks after which it may be sold at public auction in such manner and subject to such conditions as the director shall authorize

Section 1216 Disposition of Seized Property When Owner Escapes Arrest All guns traps dogs boats vehicles or conveyances or any device implement or appliance and other shooting or hunting paraphernalia, seized under the provisions of this act where the owner thereof escapes arrest and refuses to present himself and make claim to the property shall be held for a period of ten days after which time such property shall be sold in a manner prescribed for the sale of property seized where the defendant is convicted The fund arising from such sale shall be applied first to the payment of the costs of the sale second to any cost of prosecution accrued and the remainder thereof shall be forfeited to the commission

Sectin 1217 Liability for Costs Not Paid By Defendant Whenever any officer whose duty it is to enforce the laws of this State protecting game fur-bearing animals and protected birds shall in good faith bring suit for any violation of such laws and for any legal cause shall fail to recover the costs of record to which he is legally entitled such costs shall be a charge upon the proper county and shall be audited and paid as are costs of like character in said county

ARTICLE XIII

Deer Proof Fences Damage By Bears

(a) Deer Proof Fences

Section 1301 Authority to Provide Deer-Proof Fences In sections of the Commonwealth where wild deer are present in excessive numbers on lands open to public hunting and are in a material way injuring or destroying farm crops fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale the owners or lessee of such farm fruit orchards or commercial tree nurseries may make application to the commission for assistance in the erection of a deer-proof fence whereupon said commission through its representatives shall investigate the conditions prevailing on such property and adjacent territory If the investigation discloses the need of protection from deer such as would be provided by fencing the commission may enter into a written agreement with the applicant and such others in the vicinity similiarly affected as in the opinion of the commission may require like protection for the erection of a deer-proof fence of such height design materials and type of construction as the commission may specify The provisions of this section shall not be construed to apply to gardens or truck patches except where produce is raised for market on a commercial basis

The commission may purchase and deliver to the applicant or applicants at the nearest shipping point the required amount of woven wire fencing of the design and height approved by it and the required quantity of staples provided the applicant or applicants have agreed in the said written agreement to furnish all posts needed to construct said fence and all gates he or they desire to erect and to construct said fence without cost to the commission within six (6) months from the day the fencing and staples arrive at the point to which they were directed shipped or delivered

In case the said fence is not completed within the stipulated time the commission through its representatives may recover the materials it furnished at such time and in such manner as desired or found practical

All such fences after erection shall be maintained by the individuals interested and the commission shall bear no part of such future maintenance Replacement of such fences when worn out may be on the same basis as the erection of the original fence the commission to decide when such replacement fence shall be necessary

Section 1302 Amount Available for Deer-Proof Fences Not to exceed ten thousand dollars ($10,000) annually may be expended by the commission from the Game Fund for the purchase of woven wire fencing and staples for the erection of deer-proof fences in accordance with the provisions of this article

(b) Damage by Bears

Section 1303 Authority of Pay Bear Damage Claims The commission may pay for any damage done to livestock or poultry or for protection to or damage done to bees by bears upon lands open to public hunting if all such damages are reported to the nearest regular salaried officer of the commission within forty-eight hours and such claims are presented in writing under oath to the director at Harrisburg within ten days from the time such damage is alleged to have been incurred No claim for damage to bees or their hives shall be paid where such hives are located more than three hundred yards from the residence of the owner or from the residence of the owner or from the residence of his employe or other agent in charge thereof

The director as soon as possible after such complaint is received shall detail two regular employes of the commission to interview the claimant to inspect the property reported as injured if not previously inspected to collect such additional evidence as to them may appear necessary and to effect a settlement of the claim when possible The representatives of the commission shall have authority immediately to seize any property offered in evidence to support such claim which shall be returned to the owner upon satisfaction of the claim

In all cases where an agreement between such employes and the claimant is reached regarding the true value of damage sustained and the director is satisfied that such claim is reasonable and fair a voucher shall be drawn upon the game fund in the amount named in such finding Where such employes and the claimant cannot agree upon the amount of damage the director shall proceed as hereinafter provided

Section 1304 Amount Available for Bear Damages Not to exceed three thousand dollars ($3,000.00) annually may be expended by the commission from the game fund for the payment of such bear damage protection or bear damage claims filed and adjusted in accordance with the provisions of this article

(c) Adjustment of Disputes

Section 1305 Adjustment of Disputed Claims If the commission or its employes and the applicant or applicants or adjacent land-owners are unable to agree upon the necessity for a deer proof-fence or fences or the amount of continuous fence necessary or the location thereof or the commission or its employes and the claimants for damage sustained by bears are unable to agree upon the amount of such damage or the cause thereof the director or a representative designated by him may select a board of viewers from the county in which the application for deer-proof fence or the claim for damage by bears originates

Said board of viewers shall consist of three disinterested and reputable citizens one of whom shall be a farmer one a sportsman and the third a business man from any walk of life who together shall make an impartial examination of the premises and hear such evidence under oath as may be submitted whereupon they shall decide upon and report to the commission the results of their deliberations concerning the question involved

If either the applicant or applicants or the claimant or the commission shall be dissatisfied with the finding of the board of viewers so appointed a petition may be presented to the court of quarter sessions of the county wherein said relief is desired or bear damage claim originates which court shall select a similar board of viewers Such second board of viewers shall disregard all findings or reports made by the first board and shall carefully examine into the questions involved and make a sworn report to said court with a copy to the commission and a copy to a designated representative of the applicants or claimants The findings of the second board of viewers shall be final and binding upon all parties concerned

Section 1306 Oath Required Compensation of Viewers and Witnesses Viewers appointed under the provisions of this article and all witnesses examined by them shall be sworn by a person authorized to administer oaths or by

the executive director or a representative appointed by him who is hereby empowered to administer oaths to both viewers and witnesses Such oath shall in all ways be binding and of like effect as oaths administered in any court of this Commonwealth The viewers so appointed and witnesses examined by them shall be paid by the commission from funds hereinbefore designated for services and expenses at the same rate as jurors and witnesses in the courts of quarter sessions are now compensated

(d) False Claims for Damages

Section 1307 Penalty for Filing False Claims for Bear Damage It is unlawful for any person knowingly to file a claim for damage alleged to have been done by bears which was committed by the claimant's own dogs or by dogs or other domestic animals harbored on the premises or by dogs belonging to a neighbor or for any livestock which died from other causes or for property otherwise damaged or destroyed in an attempt to collect damages under the provisions of this article

Any person who shall attempt to collect a claim for damage by bears contrary to the provisions of this section shall upon conviction be sentenced to pay a fine of fifty dollars and costs of prosecution and upon failure to pay the fine so imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine and costs of prosecution

ARTICLE XIV

Game Fund

Section 1401 Continuance of Game Fund Appropriation All license fees fines permit fees and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as the Game Fund or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced or (c) that may be paid into the State Treasury under the provisions of this act shall be placed in the separate fund known as "The Game Fund" and shall be held separately and apart solely for the following purposes

(a) For the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and non-resident hunter's licenses and license tags

(b) For the payment of the traveling and other necessary expenses of the members of the commission and the salaries wages or other compensation and traveling and other necessary expenses of the executive director and of such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers game protectors and other field officers and employes laborers and such other assistants and employes as may be required for the proper conduct of the work of the commission and of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the commission or for handling any legal business pertaining to its work

(c) For wild bird game and fur-bearing animal protection and propagation

(d) For the acquisition by purchase lease or otherwise and establishment of State Game Farms and other areas for the propagation and production of game for stocking purposes and all expenditures incident to the development maintenance management operation and administration thereof

(e) For the purchase of game and fur-bearing animals for propagation and stocking purposes

(f) For feeding game and wild birds

(g) For the acquisition of lands or hunting rights by purchase lease or otherwise the creation of game refuges and public hunting grounds the maintenance development management and administration of lands refuges and public hunting grounds and special preserves and for the purchase of timber minerals oil gas or other outstanding rights on lands for which titles have been or are being acquired or water rights on adjoining lands for administrative or management purposes whenever the commission deems such purchase desirable

(h) For the purchase of other lands and buildings and for the erection maintenance and repair of buildings

(i) For the purchase of such furniture furnishings stationery supplies materials fuel motor vehicles tractors trucks boats horses and other equipment as may be necessary for the conduct of the work of the commission and for the maintenance of equipment and for the payment of premiums on bonds for such officers or employes of the commission as may be required also to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and the person operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the commission

(j) For the control of predators and the payment of bounties and expenses in connection therewith or to encourage the killing of predators so long as the sum expended for such prizes or medals does not exceed ten thousand dollars during any one fiscal year

(k) For the payment of professional and laboratory fees and other expenses incident to the scientific investigation of wild-life problems

(l) For the purpose of entering into cooperative agreements with Pennsylvania State College and State Federal or other agencies to promote wild-life research and to train men for wild-life management

(m) For the payment of any expenses incident to cooperative agreements with Federal or State agencies Pennsylvania State College or other organizations or individuals for the development and maintenance of wild-life management and demonstration or experimental projects

(n) For the construction and maintenance of buildings and for salaries equipment and supplies incident to the operation and maintenance of the commission's training school for field officers and the commission may also expend funds to train additional students for similar work in other State departments or from conservation departments of other states if at the end of the school term the pro rata cost of such additional students is refunded to the game fund

(o) For the payment of commissions or fees in such amount as shall be fixed by the commission to duly appointed agents for receiving subscriptions to the Pennsylvania Game News which commissions or fees shall be deducted from the remittances for subscriptions received

(p) For the payment of all or any part of the cost of any printing lithographing color process work posters notices tags badges buttons and such other like materials as in the opinion of the commission may be necessary to its work

(q) For the refund of fees fines or other moneys erroneously collected and deposited

(r) For the payment of rentals of offices grounds buildings or other quarters leased for the commission by the Department of Property and Supplies and for telegrams and telephone rentals and toll charges and rentals on leased office or other devices

(s) For the purchase of deer-proof fencing to protect farm and orchard crops

(t) For the payment of bear damage claims

(u) For the payment of any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the commission including the actual cost of moving household effects of employes in the service when ordered by the commission to change their headquarters and place of residence to a point more than ten miles distant from the former headquarters

(v) The sum of not less than seventy-five cents from each resident hunter's license fee and all net revenues derived from State game lands and refuges shall be used exclusively for the creation acquisition by purchase lease or otherwise and the maintenance development management and administration of the commission's system of State game lands public hunting grounds refuges and

auxiliary refuges for the purchase of outstanding timber minerals oil gas or other rights on lands for which titles have been or are being obtained or water rights on adjoining lands for administrative or management purposes whenever the commission deems such acquisition desirable for the stocking and feeding of game on State game lands refuges auxiliary refuges and public hunting grounds maintained in connection therewith and for all other expenditures made by or in behalf of its Bureau of Refuges and Lands incident to the foregoing purposes including a proper pro rata share of all expenditures necessary to cover general administrative functions of the department in connection therewith At the beginning of each fiscal year the commission shall allocate funds for the above purposes on the basis of previously unobligated and prospective revenues and the proposed expenditures during the next fiscal year for the purpose stipulated in this paragraph If at the end of any fiscal year there shall remain an unobligated or unexpended balance in said special fund the commission may allocate such balance to the purchase or propagation in a wild state of additional game for stocking purposes

(w) The commission shall have the right to acquire title to or control of lands and buildings by purchase lease gift or otherwise direct from the owners or persons having legal control thereof as in this act hereinbefore provided without submission to or approval by the Department of Property and Supplies The commission may also purchase direct without prior confirmation of the Department of Property and Supplies all game and game food for its game farms and elsewhere as needed in any amount The commission also may without prior confirmation of the Department of Property and Supplies make direct field purchases of materials supplies and equipment for the maintenance and development of its system of refuges hunting grounds game farms game propagation areas and buildings and repairs thereon and for other field activities at the most advantageous prices available in amounts not to exceed one hundred dollars in a single purchase In the purchase of all other supplies equipment printing and other purchases necessary for the conduct of the work of the commission such purchases shall be made through the Department of Property and Supplies as purchasing agent

(x) All such moneys placed in the Game Fund under the provisions of this section are hereby made available immediately and are hereby specifically appropriated to the commission for the purposes herein specified

(y) Estimates of the amounts to be expended under this act from time to time by the Pennsylvania Game Commission shall be submitted to the Governor for his approval or disapproval and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Pennsylvania Game Commission in excess of the estimates approved by the Governor Subject to the foregoing provision the moneys appropriated by this act shall be paid out of the Game Fund upon warrant of the Auditor General drawn after requisition by the Pennsylvania Game Commission or as authorized by law by other departments

Section 1402 Money to be Paid upon Requisition of Director The money in the Game Fund shall be paid for the purposes stipulated in this act upon requisition of the executive director in the manner provided by law

The Auditor General shall also upon requisition from time to time of the executive director and the proper accounting for moneys previously advanced from the fund draw his warrant upon the State Treasurer for the amount specified in such requisition for the payment of bounties not exceeding however the amount approved by the Commission

ARTICLE XV

Act of Assembly Repealed Saving Clause

Section 1501 Repeals The following acts and parts of acts of Assembly are hereby repealed as respectively indicated

I An act entitled "An Act to prohibit the use of firearms of any description upon lands set apart to hospital or sanatorium or park or resort uses whereon human beings congregate in the open in quest of health recreation or pleasure in this Commonwealth and providing penalties for violation of its several provisions" approved the sixth day of June one thousand nine hundred and thirteen (Pamphlet Laws four hundred fifty-four) absolutely

II An act entitled "An Act for the protection of human life live stock and growing timber by prohibiting the discharge of certain guns except at birds and animals or at targets properly protected and providing penalties" approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred and forty-seven) absolutely

III An act entitled "An Act giving additional protection to human beings in this Commonwealth and imposing penalties upon those who may shoot at or wound or kill a human being in mistake for either game or other wild creatures" approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred and sixty-eight) absolutely

IV An act entitled "An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred and fifty-nine) absolutely

V An act entitled "An Act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer and making an appropriation" approved the second day of June one thousand nine hundred and twenty-three (Pamphlet Laws four hundred and eighty-nine) absolutely

VI An act entitled "An Act providing for the payment of certain claims for damages done to live stock poultry or bees by bear providing a method for the ascertainment of such damage and making an appropriation" approved the second day of June one thousand nine hundred and twenty-three (Pamphlet Laws four hundred and ninety-two) absolutely

VII An act entitled "An Act to protect the public safety by prohibiting the discharge of firearms or other weapons within one hundred and fifty yards of any dwelling house or residence while hunting or trapping for wild birds or wild animals of any kind without the consent of the owner or tenant thereof and prohibiting the destruction and abuse of certain property by persons while hunting or trapping" approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred and seventy-two) absolutely

VIII An act entitled "An Act relating to the keeping of animals wild by nature in captivity upon any street or highway or upon land adjoining any street or highway or in vicinity of any commercial establishment for the evident purpose of attracting trade preventing cruel improper and inhuman treatment of such animals and protecting the public from injuries thereby providing for the granting of permits for roadside menageries as herein defined conferring powers and imposing duties on the Board of Game Commissioners and prescribing penalties" approved the eighteenth day of June one thousand nine hundred and thirty-six (Act Number 8) absolutely

All other acts or parts of acts inconsistent herewith are hereby repealed Provided however This act shall not repeal or in any manner affect any of the provisions of an act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred and twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city bor-

ough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" or any of its amendments

Section 1502 Saving Clause The repeal of any of the aforesaid acts of Assembly shall not affect any prosecution pending at the date of the passage of this act nor prevent the institution of any prosecutions for violations of any of the provisions of the aforesaid acts or regulations adopted thereunder which were committed prior to the passage of this act but all such pending prosecutions shall be terminated and all such violations shall be prosecuted in the same manner and under the same authority and with like effect as prior to the passage of this act

Section 1503 Effective Date This shall become effective immediately upon final enactment

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Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the laws relating to game and other wild birds and wild animals are amended revised consolidated and changed as hereinafter provided

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1768, as follows:

An Act providing that physicians' fees for examinations shall be taxable as costs in certain prosecutions and be paid by the county with certain exceptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the physicians' fee for the medical examination of a person charged with the operation of a motor vehicle while under the influence of intoxicating liquor or narcotic or habit producing drug shall be deemed to be an item of the costs of prosecution Such fee shall be paid by the county to the examining physician in every case irrespective of whether or not a bill of indictment charging a party with the operation of a motor vehicle while under the influence of intoxicating liquor or narcotic or habit producing drugs is presented to the grand jury Provided however That no fees shall be paid under the provisions of this act to any physician wherever there would have been available to make the examination a physician receiving compensation at regular intervals whose regular duties include the duty of making such examinations

Section 2 This bill shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1787, entitled:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain Courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on Judges and other officers of every Court of Record conferring upon the Supreme Court of Pennsylvania disciplinary powers over judges of all other Courts of Record including the power to prescribe and impose penalties in the enforcement of such powers

The first to the eighth sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the effective date of this act the Supreme Court of Pennsylvania shall have the power to prescribe by general rule the forms of actions process writs pleadings and motions and the practice and procedure in civil actions at Law and in Equity for the Courts of Common Pleas of every County for the County Court of Allegheny County and for such other courts having jurisdiction in civil actions as the General Assembly shall hereafter establish provided that such rules shall be consistent with the Constitution of this Commonwealth and shall neither abridge enlarge nor modify the substantive rights of any litigant nor the jurisdiction of any of the said courts The provisions of this section shall not apply to the Courts of Oyer and Terminer Courts of Quarter Sessions and the Orphans Courts of this Commonwealth and the practice and procedure in said courts shall remain and continue as prescribed by existing law At the time of the adoption promulgation and publication of its general rules the Supreme Court shall fix the effective date thereof which shall not be less than six months from the date of the adoption thereof

From and after the effective date all prior and existing acts or parts of acts relating to practice and procedure in such courts and inconsistent with the general rules of the Supreme Court hereinabove provided for shall be deemed to have been repealed by this act and shall thereafter be of no further force and effect

Section 2 Each of the Courts of Common Pleas the County Court of Allegheny County and the other courts established by the General Assembly may adopt additional local rules for the conduct of its business which shall not be inconsistent with or in conflict with said general rules prescribed by the Supreme Court of Pennsylvania

Section 3 The Supreme Court of Pennsylvania is here-

by authorized and empowered to appoint a Procedural Rules Committee the members of which shall have been admitted to practice before the Supreme Court of Pennsylvania which shall assist the Supreme Court of Pennsylvania in preparation revision promulgation publication and administration of the said general rules

Section 4 It shall be the duty of the Judges clerks prothonotaries and other officers of the several Courts of Record in this Commonwealth to furnish to the Supreme Court of Pennsylvania or to the said Procedural Rules Committee such statistics and information as may be reasonably requested concerning the administration of justice in civil actions in said courts In the event of the failure of any Judge clerk prothonotary or other officer of said Courts to comply with the requirements of this Section the Supreme Court of Pennsylvania may after hearing impose the penalties hereinafter provided

Section 5 For the purpose of expediting any business of the Courts of Record in this Commonwealth whether civil or criminal which is not otherwise specifically regulated by any of the general rules hereinabove provided for and for the purpose of facilitating a speedy and proper administration of justice the Supreme Court of Pennsylvania shall have the power to prescribe additional rules for the conduct of such business of any Court of Record within this Commonwealth

Section 6 All acts or parts of acts inconsistent with this act are hereby repealed

Section 7 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 8 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain Courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on Judges and other officers of every Court of Record conferring upon the Supreme Court of Pennsylvania disciplinary powers over judges of all other Courts of Record including the power to prescribe and impose penalties in the enforcement of such powers

On the question,

Will the House agree to the title?

Mr. OSTROFF. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 13 by striking out after the word "record" the following: "conferring upon the Supreme Court of Pennsylvania disciplinary powers over judges of all other Courts of Record including the power to prescribe and impose penalties in the enforcement of such powers"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2149, Senate Bill No. 373, Printer's No. 419, was passed over at the request of Mr. ACHTERMAN.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2176, (Senate Bill No. 709), entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized and prescribing the powers and duties of courts of common pleas in relation to such liquidation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2171, (Senate Bill No. 188), entitled

An Act relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2190, (Senate Bill No. 707), entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth created by special act of assembly prior to January 1, 1874 to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2233, Senate Bill No. 788, Printer's No. 420, was passed over at the request of Mr. TUMELTY.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1342, as follows:

An Act to amend the title of and section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by extending the purposes and powers therein granted to the Authorities and extending the time therein provided for the creation of the Authority and the time within which projects shall be begun

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) be amended to read as follows

"An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain lease either as lessor or lessee and operate projects and to borrow money and issue bonds unsecured or secured by mortgages therefore providing for the payment of such bonds unsecured or secured by mortgages or otherwise and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes"

Section 2 That section four of said act be amended to read as follows

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of acquiring holding constructing improving maintaining and operating leasing either in the capacity of lessor or lessee buildings to be devoted wholly or partially for public uses and for revenue-producing purposes transportation marketing and shopping terminals bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars low cost housing projects parks recreation grounds and facilities sewers sewer systems sewage treatment works swimming pools playgrounds lake low head dam hospitals and subways (any and all of the foregoing being herein called 'projects') Provided however That no Authority shall be created and no project shall be begun after the expiration of [two (2)] five (5) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of thirty-two years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue mortgages negotiable notes bonds and other evidences of indebtedness or obligations (herein called 'bonds') of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security of said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal Agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however that the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligation"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 45, as follows:

An Act to amend section nine hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by changing the time when the court of quarter sessions is authorized to fill vacancies in borough offices

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 902 When Court to Fill Vacancies If the council of any borough shall refuse fail or neglect or be unable for any reason whatsoever to fill any vacancy wtihin [30] sixty days after the vacancy happens as provided by the preceding section then the court of quarter sessions shall upon petition of the burgess or council or five citizens fill the vacancy in such office by the appointment of a qualified resident of the borough for the unexpired term of the office

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1020, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organizations of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 1109 [Mortgage or] Securities Pools for Investment of Fiduciary Funds A A trust company or a bank and trust company in its trust department may establish a pool or fund of [bonds secured by mortgages or of other] securities purchased solely with funds of estates held by it as fiduciary All [the bonds secured by mortgages and all] the securities which comprise such pool or fund shall be of the class authorized as local investments for funds held by fiduciaries The bank and trust company or the trust company shall apportion fractional undivided interests in such pool or fund to estates of which it is fiduciary in the proportions in which their funds were used to purchase [the bonds secured by mortgages or] the securities which comprise such pool or fund Interests in such pool or fund shall not be sold to any corporation or person but shall be held solely by the bank and trust company or the trust company as fiduciary and the equitable interest owned solely by the estates of which such bank and trust company or such trust company is fiduciary Interests in such pool or fund may be transferred in distribution to any beneficiary and in order to make distribution may be sold by such bank and trust company or trust company to another trust estate or estates of which it is fiduciary or may be sold by a bank and trust company to its commercial department which may in turn resell the same to another trust estate or estates of which it is fiduciary but not to any other corporation or person

B Such bank and trust company or such trust company shall designate clearly upon its records the names of the estates on behalf of which such bank and trust company or trust company as fiduciary owns a fractional undivided interest in such pool or fund and the extent of the interest of the estate therein No such extent shall be deemed to have individual ownership of any [bond or other] security in such pool or fund but shall be deemed to have an undivided interest in the entire pool or fund

The bank and trust company or the trust company may issue a certificate of participation for every estate on behalf of which such bank and trust company or trust company as fiduciary owns a fractional undivided interest in such pool or fund Such certificate shall state on its face that it is issued without guarantee by the issuing bank and trust company or trust company of the payment of either principal or interest that it will be paid only when funds become available [out of the bonds secured by mortgages or] out of the securities comprising the pool or fund It shall also state any other important condition covering such situation

C The bank and trust company or the trust company shall have the right at any time to substitute [for any bond or other obligation secured by mortgage or] for any securities in a pool or fund other [bonds or obligations secured by mortgages or] securities which meet all the requirements of this section and which have a value at least equal to the [bond and mortgage or] other security for which they were substituted

[D A bank and trust company or a trust company shall likewise have the power to create undivided interests in any single bond secured by a mortgage or in any single security to be apportioned among estates of which it is fiduciary in the proportion to which their funds were used to purchase such asset The bank and trust company or the trust company shall create and assign such interest and shall designate upon its records the names of the estates to which any such undivided interest shall have been apportioned and may issue participation certificates therefor in the same manner under the same conditions and subject to the same limitations as are authorized or imposed by this section in the case of a pool of more than one bond secured by mortgages or of more than one security]

[E] D This section shall not be construed to affect a pool or fund [of bonds secured by mortgages or] of securities created by a bank and trust company or a trust company prior to the [effective date of this act] third day of July one thousand nine hundred and thirty-three

Section 2 Following section 1109 of the said act as herein amended and before section 1110 of the said act six new sections numbered 1109-1 1109-2 1109-3 1109-4 1109-5 and 1109-6 are hereby inserted and added to the said act as follows

Section 1109-1 Investment of Fiduciary Funds in Undivided Interests in Bonds Secured by Mortgages or in Other Securities A A bank and trust company in its trust department or a trust company may create undivided interests in any single bond secured by a mortgage or in any single security to be apportioned among estates of which it is fiduciary Any such bond secured by a mortgage and any such security shall be of the class authorized as legal investments for funds held by fiduciaries The bank and trust company or the trust company shall create and assign such undivided interests in a bond secured by a mortgage or in a security to estates of which it is the fiduciary in the proportion to which their funds were used to purchase such asset Interests in any such asset shall not be sold to any corporation or person but shall be held solely by the bank and trust company or the trust company as fiduciary and the equitable interests owned solely by the estates of which such bank and trust company or such trust company is fiduciary Interests in any such asset may be transferred in distribution to any beneficiary and may be sold by such bank and trust company or trust company to another trust estate or estates of which it is fiduciary or in order to make distribution may be sold by a bank and trust company to its commercial department which may in turn resell the same to another trust estate or estates of which it is fiduciary but not to any other corporation or person

B Such bank and trust company or such trust company shall designate clearly upon its records the names of the estates on behalf of which such bank and trust company or trust company as fiduciary owns a fractional undivided interest in any bond secured by a mortgage or in any such security and the extent of the interests of such estates therein No such estate shall be deemed to have individual ownership of any such bond secured by a mortgage or any such security but shall be deemed to have an undivided interest therein

The bank and trust company or the trust company may issue a certificate of participation for every estate on behalf of which such bank and trust company or trust company as fiduciary owns a fractional undivided interest in any such bond secured by a mortgage or in any such security Such certificate shall state on its face that it is issued without guarantee by the issuing bank and trust company or trust company of the payment of either principal or interest and that it will be paid only when funds become available out of any such bond secured by a mortgage or any such security It shall also state any other important conditions governing such situation

C This section shall not be construed to affect fractional interests in any such bond secured by a mortgage or in any such security created by a bank and trust company or a trust company prior to the third day of July one thousand nine hundred and thirty-three

Section 1109-2 Establishment and Maintenance of Mortgage Investment Funds A A bank and trust company in its trust department or a trust company may establish and maintain one or more mortgage investment funds in which it may invest only the funds of estates held by it as fiduciary Interests in any such fund shall not be sold to any corporation or person but shall be held solely by the bank and trust company or the trust company as fiduciary and the equitable interests therein owned solely by the estates of which such bank and trust company or such trust company is fiduciary

B Such bank and trust company or such trust company shall not invest the funds of any such mortgage investment fund except as follows

(1) In mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(I) Such mortgage shall contain an unconditional promise to pay interest on the bonds or other obligations secured thereby and shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(II) The unpaid principal amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(III) Such mortgage shall be payable not more than fifteen (15) years after the date thereof or the date of any renewal or extension thereof and shall provide either for the annual reduction of the principal amount of the bonds or other obligations secured thereby in an amount equal to at least five per centum of the unpaid principal amount of such mortgage on the date thereof or on the date of any renewal or extension thereof the amount of the required annual reduction payment may be made payable in installments but such installment payments shall be required to be paid not less frequently than semi-annually or such mortgage shall provide for the amortization of the total unpaid principal amount of such mortgage on the date thereof or the date of any renewal or extension thereof by the payment of a fixed amount each month during the term of such mortgage or the term of any renewal or extension thereof such monthly payments being fixed at an amount which will include the interest due on such mortgage on the date of such payments and an additional amount to be applied in the reduction of the unpaid principal amount of such mortgage which additional amounts will provide for the amortization of the unpaid principal amount of such mortgage during the term thereof or the term of any renewal or extension thereof as herein provided

(b) At the date any such mortgage is acquired by the mortgage investment fund such mortgage shall also meet the following requirements

(I) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(II) No taxes levied or assessed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the date of the acquisition thereof by the fund

(III) The unpaid principal amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

(c) A mortgage investment fund shall not contain any mortgage securing bonds or other obligations the unpaid principal amount of which exceeds ten thousand dollars unless the total book value of all the assets in any such fund exceeds two hundred thousand dollars in which event the fund may contain mortgages securing bonds or other obligations the unpaid principal amount of which does not exceed five per centum of such total value or fifty thousand dollars whichever amount is the lesser

(d) The term "fair value" of real estate shall mean the value placed thereon in a written appraisement by two reputable persons familiar with real estate value in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

(2) In mortgages of one or more individuals or corporations upon improved real estate including improved farm lands situated within this Commonwealth securing bonds or other obligations insured by the Federal Housing Administrator prior to the first day of July one thousand nine hundred and thirty-seven pursuant to the provisions of titile two of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four or thereafter insured by such Administrator with like force and effect pursuant to any amendment revision or extension of the provisions of the said act At the date of the investment in any such

mortgage the said insurance thereon shall be in full force and effect

(3) In the event that mortgages in which the moneys of the mortgage investment fund may be invested cannot be obtained any such moneys available for investment may be temporarily invested in the following securities bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia or in bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for payment of the principal and interest on which the faith and credit of the Commonwealth is pledged However the amount invested in such securities shall not exceed twenty per centum of the total book value of all the assets contained in any such fund and as soon as mortgages in which the moneys of the mortgage investment fund may be invested can be obtained such securities shall be sold and the proceeds invested in such mortgages

C No further investment of the moneys contained in any such fund shall be made when the amount of cash contained therein excluding cash consisting of income shall be less than five per centum of the total amount of all outstanding participations in the fund

D No mortgage shall be acquired by the mortgage investment fund until such mortgage has been reviewed by the board of directors of such bank and trust company or trust company or by a duly authorized committee of such board including at least two members thereof and approved by the board or such committee as a proper investment for inclusion in such fund Similarly no moneys of such fund shall be invested in other securities until such board of directors or such committee thereof has determined that no mortgages in which the moneys of the fund may be invested can be obtained and has approved of the investment in such securities as a proper investment of the moneys of such fund All such reviews and approvals of mortgages and determinations and approvals of other investments shall be recorded in the minutes of the meetings of such board of directors or of such committee thereof

E The real estate upon which each mortgage contained in any such fund is secured and any real estate contained in the fund except real estate secured upon mortgages of one or more individuals or corporations securing bonds or other obligations insured by the Federal Housing Administrator prior to the first day of July one thousand nine hundred and thirty-seven pursuant to the provisions of title two of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four or thereafter insured by such Administrator with like force and effect pursuant to any amendment revision or extension of the provisions of said act shall be appraised at least once every three years by two reputable persons appointed by the board of directors of such bank and trust company or trust company familiar with real estate values in the vicinity where any such real estate is situated who shall actually have inspected such real estate and shall so certify in such appraisement Any such appraisement shall be filed and preserved among the records of the fiduciary

Section 1109-3 Investments of Fiduciary Funds in Mortgage Investment Funds A The total amount of the funds of any one trust estate invested in a mortgage investment fund shall not exceed one thousand dollars or two per centum of the total book value of all the assets contained in any such mortgage investment fund whichever amount is the greater Such bank and trust company or such trust company shall designate clearly upon its books and records the names of the estates the funds of which have been invested in such funds and the total amount of the funds of such estates so invested No such estate shall be deemed to have individual ownership of any mortgage security or other asset contained in any such fund but shall be deemed to have an undivided interest in the fund the incidents of such ownership being as herein set forth

The bank and trust company or the trust company may issue a certificate of participation for every estate on behalf of which such bank and trust company or trust company as fiduciary owns an undivided interest in such fund Such certificate shall state on its face that it is issued without guarantee by the issuing bank and trust company or trust company of the payment of either principal or interest and that it will be paid only when funds become available out of the bonds secured by mortgages or out of the securities comprising the fund It shall also state any other important condition covering such situation

B Such bank and trust company or such trust company may sell and transfer participations in any such fund from one estate of which such bank and trust company or trust company is the fiduciary with any other person or corporation to any other such estate or in order to make distribution such participations may be sold by a bank and trust company to its commercial department which may in turn resell the same to another trust estate of which it is the fiduciary but not to any other corporation or person

C Except as herein otherwise provided upon the termination of any trust estate the funds of which have been invested in any such mortgage investment fund such estate or the beneficiaries thereof shall be entitled to receive in cash the total amount of the funds of such estate invested in such fund with the income thereon determined as herein provided to the date of such payment but such income shall not be paid until the amount thereof shall have been determined on the next accounting date as herein provided However in the event that upon the termination of any such trust estate there shall not be available sufficient cash to pay the amount of its participation in the fund such bank and trust company or such trust company may issue withdrawal certificates of participation in the fund for the amount of such estate's participation in the fund not paid in cash Such certificates shall state that they may be redeemed by the mortgage investment fund at any time and they shall be so redeemed as soon as funds are available for such purpose Such certificate shall also state that it is issued without guarantee by the issuing bank and trust company or trust company of the payment of either principal or interest and that it will be paid only when funds become available out of the bonds secured by mortgages or out of the securities comprising the fund It shall also state any other important condition covering such situation Until redeemed the owners of any such withdrawal certificates shall be entitled to distributions of income from the fund as herein provided So long as any such certificates are outstanding no further investments of the moneys contained in the fund shall be made and no new investment therein shall be made of the funds of any estate of which such bank and trust company or such trust company is the fiduciary as herein provided In the event any such mortgage investment fund is closed and placed in liquidation as herein provided while any such withdrawal certificates are outstanding the holders thereof shall receive no preferences but shall have the same rights as the owners of other participations in such fund

Section 1109-4 Management of Mortgage Investment Funds A A bank and trust company or a trust company maintaining a mortgage investment fund shall invest and reinvest the moneys of such fund as herein provided collect the income arising therefrom and at least semi-annually it shall determine the net income of the fund during the period since the last determination thereof

B Such bank and trust company or such trust company shall establish and maintain a reserve account as an integral part of the fund At the close of each earning period if the total amount contained in such reserve account is less than ten per centum of the total amount of all outstanding participations in the fund such bank and trust company or such trust company shall transfer to such reserve account out of net income of the fund such amount as the bank and trust company or the trust company in its discretion shall determine to be proper

under the circumstances but the total of the amounts so to be transferred to the reserve account during any year shall not be less than one-half of one per centum nor more than one per centum of the average of the total amounts of all outstanding participations in the fund at the close of each earning period

C The balance of the net income remaining after transferring such part thereof to the reserve account as herein provided shall thereupon be distributed among the owners of the outstanding participations in the fund and the owners of withdrawal certificates of participation in proportion to the amounts of their participations and the period of time owned

D When any such mortgage investment fund shall have acquired the real estate upon which any mortgage contained in the fund was secured either by the foreclosure of any such mortgage or otherwise such mortgage shall be removed from the fund's mortgage account and the real estate so acquired shall be transferred to the fund's real estate account Upon the subsequent sale of any such real estate the gain or loss shall be the difference between the sale price and the value at which such real estate was carried in the fund's real estate account Any such loss shall be charged against the reserve account and any such gain shall be credited to such reserve account

E Upon the sale of any security contained in such fund the bank and trust company or the trust company shall determine the gain or loss thereon being the difference between the sale price and the book value thereof Any such loss shall be charged against the reserve account and any such gain shall be credited to such reserve account

Section 1109-5 Closing and Liquidation of Mortgage Investment Funds A A mortgage investment fund may be closed by a bank and trust company or a trust company at any time by resolution of its board of directors regularly adopted and duly recorded in the minutes of the meetings of such board of directors

B A mortgage investment fund shall be closed when either of the following conditions exists

(1) When the sum of the following items less the amount of the reserve account exceeds ten per centum of the total book value of all of the assets contained in any such fund

(a) The total amount of unpaid principal of all mortgages contained in the fund upon which any interest remains due and unpaid for six months after such interest became due and payable

(b) The total amount of unpaid principal of all mortgages contained in the fund which are secured upon real estate upon which taxes have been levied and assessed which remain unpaid for six months after such taxes have been or could have been certified as delinquent by the proper taxing authority

(c) The total amount of unpaid principal of all mortgages contained in the fund upon which the unpaid principal amount exceeds two-thirds of the last appraised value of the mortgaged real estate and such unpaid principal amount has not been reduced by the amount of such excess within six months from the date of such last appraisement

(d) The total amount of the book value of all of the real estate contained in the fund

(e) The excess of the book value of any securities contained in the fund over the current market value of such securities

In determining the sum of the foregoing items any mortgage which could be included either in item (a) (b) or (c) shall only be included in one of such items and all mortgages securing bonds or other obligations insured by the Federal Housing Administrator in which moneys of such fund may be invested as herein provided shall be excluded from the said items if the insurance on such mortgages is in full force and effect

(2) When the total amount of unpaid principal of all mortgages contained in the fund upon which any amortization payment remains due and unpaid for a period of six months after such payment became due exceeds twenty per centum of the total book value of all the assets contained in such fund However when amortization payments totalling twenty-five per cenutm of the principal amount secured by any such mortgage have been made such bank and trust company or such trust company may permit the suspension of further amortization payments for a period not exceeding two years and in such event any such mortgage during the period of such suspension shall not be included in determining the total amount of this item

(C) When a mortgage investment fund created after the effective date of this act is closed as herein provided no further investments therein shall be made and the bank and trust company or the trust company shall file a petition for the liquidation of such fund in the court which has theretofore exercised jurisdiction over it or if no court has yet exercised such jurisdiction then in the court of common pleas or the orphans' court of the county in which the principal place of business of the institution is located Such petition shall set forth the closing of such fund the reasons therefor and other pertinent facts Such notice of the filing of such petition shall be given and such hearings shall be had thereon as such court may direct and such court shall thereupon determine whether the fund should be liquidated and shall either authorize such liquidation or make such other order as it shall deem necessary or advisable for the protection of all parties in interest

If the court authorizes the liquidation of any such fund the bank and trust company or the trust company shall continue to collect the income therefrom and to determine and distribute the net income thereof semi-annually as herein provided and when it shall have accumulated sufficient funds available for the payment of the principal of outstanding participations and withdrawal certificates of participation it may and when such accumulated funds equal ten per centum of the total amount of all such participations and certificates it shall distribute such funds among the owners of such participations and certificates All such distributions of income and principal shall be made among all owners of participations and withdrawal certificates of participation in the fund as of the date such fund was closed in proportion to the amounts thereof and in the case of income in proportion to the period owned Upon final liquidation if all of the owners of such participations and withdrawal certificates of participation have been paid in full and any funds remain undistributed including any balance in the reserve account such funds shall be regarded as principal and shall also be distributed among the owners of such participations and certificates in proportion to the amounts thereof

D When a mortgage investment fund has been closed either before or after the effective date of this act the bank and trust company or the trust company or any other party in interest may petition the court for an order directing the payment of all or a part of any participation or withdrawal certificate of participation in advance or on other than a pro rata basis in cases of emergency or necessity or by any such petition may submit to the court a plan for the liquidation of the fund and the payment of such participations and withdrawal certificates in any manner which may be deemed necessary or advisable under the circumstances Any such petition shall set forth all the pertinent facts and such notice of the filing thereof shall be given and such hearings thereon shall be had as the court shall direct Thereupon the court may direct such payment or approve such plan or enter such order as it shall deem fitting and proper under the circumstances having due regard for the protection of the owners of all participations and withdrawal certificates of participation

Section 1109-6 General Provisions Except as herein otherwise specifically provided in this act the provisions hereof relating to mortgage investment funds shall be applicable to any such fund hereafter established and to any pool or fund containing mortgages heretofore established by any bank and trust company or trust company Any such mortgage investment fund or pool or fund containing mortgages which does not conform to the

provisions of this act shall be closed and no further investments therein shall be made and in the case of any such mortgage investment fund hereafter established such bank and trust company or trust company shall proceed to liquidate such fund as provided in this act

Section 3 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 286, entitled:

An Act regulating horse racing with wagering on the results thereof providing for the licensing of race tracks race horse owners riders trainers stewards and officials for such racing imposing license fees creating a departmental administrative commission within the Department of Agriculture for the administration of this act requiring the revenues accruing under this act to be deposited in a special fund in the State treasury and appropriating the moneys in such funds imposing penalties and repealing inconsistent legislation

Articles I to VI inclusive were separately read and agreed to as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Short Title and Preliminary Provisions

Section 1 Short Title This act shall be known and may be cited as "Pennsylvania Pacing Law"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" A partnership limited partnership or any form of unincorporated enterprise owned or operated by two or more persons

"Commission" The Pennsylvania Racing Commission

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

Section 3 Interpretation of Act (a) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(b) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(c) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

Pennsylvania Racing Commission

Section 201 Commission Created A departmental administrative commission within the Department of Agriculture to be known as the "Pennsylvania Racing Commission" is hereby created The commission shall consist of three members to be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate Of the original members one shall be appointed for a term of two years one for a term of four years and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified Thereafter all appointments shall be for terms of six years or until successors are appointed and qualified Each member of the commission shall receive an annual salary of five thousand dollars ($5,000) and the chairman shall receive one thousand dollars ($1,000) in addition to the regular salary

Section 202 Qualifications of Commissioners Each member of the commission at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least two years next preceding his appointment and shall be not less than thirty years of age No member of the commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

Section 203 Chairman Quorum The commission shall elect one of its members as chairman The chairman shall when present preside at all meetings and in his absence a member designated by the chairman shall preside Two members of the commission shall constitute a quorum and any action or order of the commission shall require the approval of at least two members

Section 204 Secretary The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The secretary shall have the power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Section 205 Fidelity Bonds Each member of the commission and the secretary shall file with the State Treasurer a surety bond in the sum of not less than ten thousand dollars ($10,000) and every other person appointed to any office by the commission shall upon entering upon his duties likewise file a surety bond in the sum of not less than two thousand dollars ($2,000) Such bonds shall be payable to the Commonwealth of Pennsylvania shall have as surety a duly authorized surety company or two individuals to be approved by the Department of Justice and shall be conditioned for the faithful performance of the members' secretary's or employes' duties imposed by law or by lawful authority and that the person bonded will not knowingly violate or permit ot be violated the provisions of this act The cost of such bond shall be borne by the commission as part of its operating expense

Section 206 Commission Subject to Administrative Code Except as otherwise expressly provided by law the commission shall be within the Department of Agriculture and shall be subject to all the provisions of The Administrative Code of one thousand nine hundred and twenty-nine as amended which apply generally to departmental administrative boards and commissions

ARTICLE III

General Powers and Duties of the Commission

Section 301 Regulation of Horse Racing with Wagering The commission shall have the power and its duty shall be to supervise and regulate every person who shall hereafter hold or conduct any meeting within this Commonwealth at which horse racing with wagering on the results thereof shall be permitted and to supervise and regulate every such race meeting and each and everything having to do with the operation thereof This power shall include the power to approve or disapprove the dates on which race meetings shall be held on race tracks licensed under the provisions of this act

Section 302 Rules and Regulations The commission shall have power to prescribe rules regulations and conditions under which all horse races upon the results of which there shall be wagering shall be conducted within this Commonwealth It shall make rules governing permitting and regulating mutual wagering on horse races under the system as the pari-mutual or mutual method of wagering which shall be conducted only within the enclosure of a licensed track and on a date upon which racing at such track has been approved by the commission

Section 303 Enforcement of this act The commission shall in every respect be responsible for the administration and enforcement of this act

Section 304 Races between Pennsylvania-Bred Horses Steeplechases To encourage the breeding of horses in this Commonwealth the commission shall require that three per centum of the first money of every purse won by a horse bred in Pennsylvania shall be paid to the breeder of such animal and that unless on any day sufficient competition cannot be had every licensed track shall run at least one race each racing day which shall be limited to horses foaled in Pennsylvania and at least one steeple chase each racing day

ARTICLE IV

Licenses and License Fees

Section 401 Track Licenses (a) The commission shall have the power to grant licenses to conduct horse race meetings in accordance with the provisions of this act at such places within this Commonwealth as the commission shall determine in accordance with the provisions of this section No such license shall be transferable nor shall it apply to any place track or enclosure except that specified in the license Licenses hereunder shall be classified according to the track where the race meeting is to be held

(b) Class A tracks of which there shall be not more than three approved by the commission and shall be not less than a mile circumference or length The commission shall not issue any Class A license to conduct a horse race meeting at any place within one hundred miles of any other place for which a Class A license has previously been issued except that a temporary license to be known as a "Fair or Hunt Club License" may be issued for a period not exceeding one week in any one county during any one year permitting the license to conduct a horse race meeting under the provisions of this act at any regular county fair or hunt club within this Commonwealth

(c) Class A licenses shall be valid for a period of ten years unless sooner revoked by the commission for cause as hereinafter in this article provided

(d) Every application for a Class A license shall be accompanied by a certified check in the amount of twenty-five thousand dollars drawn to the order of the State Treasury which shall be transmitted by the commission to the Department of Revenue to be deposited in the State Treasury immediately if and when a license is granted to the applicant

In the event that an application is refused the certified check accompanying the application shall be returned to the applicant

(e) Applications for "Fair and Hunt Club Licenses" shall be made as for Class A tracks except that no deposit fee is required

(f) In determining whether a license shall be granted to any applicant the commission shall take into consideration the applicant's financial responsibility the character and reputation of the applicant or its members or officers the desirability of the location specified in the application the proximity of such location to railroads highways and other transportation facilities and except in the case of an application for a Fair License the question whether it is desirable to locate a racing park in the municipality or other political subdivision specified in the application

(g) The amounts deposited in the State Treasury under the provisions of this section shall be held by the State Treasurer as a guaranty by the licensee that daily license fees will be paid as hereinafter in this article provided They shall be returned to the licensee at the expiration of his license if all daily license fees have been paid If all daily license fees have not been paid any amounts due by the licensee shall be deducted from the deposit and only the balance if any shall be returned to the licensee

Section 402 Daily License Fees Every person licensed under the provisions of this act to conduct a horse race meeting either under a Class A license or a Fair or Hunt Club License shall pay to the commission each day for transmission by it to the Department of Revenue to be paid into the State Treasury a license fee amounting to three per centum of all money handled in the pari-mutuel or mutual pools at the licensee's enclosure or track during that day

Section 403 Owners' Riders' Trainers' etc Licenses Every horse owner rider trainer steward starter timer judge and other official at any racing meeting at which horse racing with wagering on the results thereof shall be permitted shall be licensed by the commission pursuant to the rules and regulations adopted by the commission and upon the payment of such license fees as shall from year to year be determined by the commission The amount of each license fee shall be the estimated cost of supervising and regulating the particular activity covered by the license divided by the estimated number of such licenses which will be issued for the ensuing year A schedule of the license fees for the following year shall be promulgated by the commission not later than December fifteenth of each year All licenses granted under this section shall be valid for a period of one year at any race meeting held during such year unless the license shall sooner be revoked by the commission for improper conduct on the part of the licensee

Section 404 Revocation of Licenses The commission shall have the power and its duty shall be to revoke any track license issued under the provisions of this article if the holder thereof has knowingly violated or permitted the violation of the provisions of this act The commission shall have the power to revoke any other license issued under the provisions of this article if the holder thereof has knowingly violated or permitted the violation of the provisions of this act or has been guilty of unsportsmanlike conduct The revocation of a license because of a charged violation of the provisions of this act shall be subject to review by certiorari to the Court of Common Pleas of Dauphin County The commission's action in revoking a license for unsportsmanlike conduct shall be final

ARTICLE V

Wagering on Horse Races

Section 501 Lawful and Unlawful Wagering It shall be unlawful to wager on the results of any horse race conducted within this Commonwealth unless the race is conducted by a licensee under this act and it shall be unlawful to permit any wagering at any licensed enclosure or track except under the pari-mutuel or mutual method of wagering and then only by the installation of such mechanical equipment as may be approved by the commission but the commission shall not require any particular make of mechanical equipment and may upon application and under proper regulations excuse any holder of a Fair license from installing any mechanical equipment

Section 502 Licensees to Provide Facilities for Mutual Wagering Licensees' Commissions Every licensee conducting a horse race meeting shall provide a place or places in the enclosure or grounds at which the licensee may conduct operate and supervise the pari-mutuel or mutual method of wagering on races conducted within its enclosure The commissions deducted and retained by any licensee from pari-mutuel or mutual pools shall not exceed eight per centum of the gross amount of money handled The odd cents of all redistributions to be made on mumultiple of ten shall be paid in addition to the license fee of three per centum of the gross amount of money handled to the Commonwealth as hereinbefore in this act provided

ARTICLE VI

Unlawful Acts Penalties

Section 601 Conducting Races Without License It shall be unlawful for any person to hold or conduct or assist

aid or abet in holding or conducting any meeting within this Commonwealth at which horse racing with wagering on the results thereof shall be permitted unless such person shall comply with the provisions of this act and be licensed to conduct a horse race meeting as hereinbefore in this act provided Any person violating this section shall upon conviction be punished by the imposition of a fine of not less than one thousand dollars or more than five thousand dollars or by imprisonment for not more than one year or both in the discretion of the court

Section 602 Wagering It shall be unlawful for any person to wager or bet on the result of a horse race otherwise than in accordance with the provisions of this act or at any place within this Commonwealth outside of the enclosures licensed by the commission under the provisions of this act for conducting horse race meetings on dates when racing within such enclosures has been approved by the commission Any person violating the provisions of this section shall upon conviction in a summary proceeding before a magistrate alderman or justice of the peace be punished by the imposition of a fine in the amount of twenty-five dollars and in default of the payment thereof imprisonment for ten days

Section 603 Taking Unlawful Wagers It shall be unlawful for any person to take a wager on the result of a horse race otherwise than in accordance with the provisions of this act or at any place within this Commonwealth outside of the enclosures licensed by the commission under the provisions of this act for conducting horse race meetings on dates when racing within such enclosures has been approved by the commission Any person violating the provisions of this section shall upon conviction be punished by the imposition of a fine of not more than one thousand dollars or by imprisonment of not more than one year or both in the discretion of the court

Section 604 Time of Racing It shall be unlawful to conduct any horse race under the provisions of this act except on weekdays between March thirty-first and December first of each year The commission shall not approve racing at any licensed track contrary to the provisions of this section

Article VII, Section 701, was read and agreed to as follows:

ARTICLE VII

Disposition and Appropriation of Moneys Accruing Under the Provisions of This Act

Section 701 Racing Fund Created All moneys paid into the State Treasury through the Department of Revenue under the provisions of this act shall be paid into a special fund to be known as the "State Racing Fund"

Article VII, Section 702, was read as follows:

Section 702 Appropriation The moneys from time to time in the State Racing Fund are hereby appropriated for the following purposes

(a) To pay the salaries and expenses of the members of the commission the secretary and all employes and assistants employed by or for them in accordance with the provisions of The Administrative Code as amended

(b) To pay all other expenses properly incurred by the commission in administering this act

(c) To refund to licensees at the expiration of their licenses all sums deposited by them when the licenses were granted if the daily license fees have been paid by such licensees in accordance with the provisions of this act and otherwise to refund to such licensees the balances remaining after deducting from such deposits any daily license fees due and unpaid by such licensees during the periods of their licenses

(d) For use in such amounts as may from time to time be prescribed by the Governor for the purpose of conconstructing reconstructing improving enlarging repairing or renewing the buildings of the several State welfare institutions including State sanatoria for the treatment and prevention of tuberculosis the State Home for Crippled Children at Elizabethtown Lancaster County and the Pennsylvania Soldiers' and Sailors' Home at Erie

On the question

Will the House agree to the section?

Mr. MELCHIORRE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 702, page 14, by striking out all of lines 25 to 29 inclusive.

Amend sec. 702, page 15, by striking out all of lines 1, 2 and 3, and inserting in lieu thereof: "(d) For payment into the General Fund from time to time as prescribed by the Governor in order to make moneys available for the payment of appropriations made by the General Assembly for unemployment relief purposes."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article VIII, the preamble and title were separately read and agreed to as follows:

ARTICLE VIII

Repealer And Effective Date

Section 801 Repealer All acts and parts of acts heretofore enacted which are inconsistent with the provisions of this act are hereby repealed

Section 802 Effective Date This act shall become effective immediately upon its final enactment

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

An Act regulating horse racing with wagering on the results thereof providing for the licensing of race tracks race horses owners riders trainers stewards and officials for such racing purposes license fees creating a departmental administrative commission within the Department of Agriculture for the administration of this act requiring the revenues accruing under this act to be deposited in a special fund in the State Treasury and appropriating the moneys in such funds imposing penalties and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

HOUSE BILL No. 286 MADE SPECIAL ORDER

Mr. MELCHIORRE. Mr. Speaker, I move that House Bill No. 286, be made a special order of business on third reading and final passage on Tuesday, May 11, 1937, at 2:30 p. m.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2040, entitled:

An Act to amend section fifty-nine as amended section one hundred ninety as added section two hundred four as amended and sections two hundred forty-seven and six hundred seventy-five of to add sections one hundred fifty and one-tenth and one hundred fifty-five to and to repeal section two hundred five of the act approved the second day of May one thousand nine hun-

dred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the provisions for filling vacancies in the office of coroner sheriff and district attorney providing for and prescribing the procedure for leasing of real property belonging to counties and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class

The first to the fourth sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same. That section fifty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 59 Deputies to Act in Certain Cases Whenever any county officer is authorized or required to appoint a deputy or deputies such deputy or principal deputy where there are more than one shall during the necessary or temporary absence of his principal perform all the duties of such principal and also in case of a vacancy until a successor is qualified [except in the case of a vacancy in the office of sheriff where the coroner shall act as hereinafter provided and except also in the case of a vacancy in the office of coroner where the sheriff shall act as hereinafter provided]

No person temporarily succeeding to any county office by reason of the death or removal of the duly elected or appointed officer shall execute any of the duties of such office until he has first taken oath and filed the bond required of the principal officer

Section 2 That section one hundred ninety of said act as added by section six of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby amended to read as follows

Section 190 [Sheriff to Act as Coroner in Case of a Vacancy If any coroner shall be legally removed from his office or shall die before the expiration of the term for which he was commissioned the sheriff of the county shall execute the office of coroner and perform all things thereunto appertaining until another coroner is commissioned and notice thereof is given to such sheriff] Filling of Vacancies If any vacancy shall occur in the office of sheriff either by death esignation removal from office or from the county or otherwise it shall be the duty of the Governor to appoint some suitable person to fill such vacancy for the remainder of the unexpired term

Section 3 That section two hundred four of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 945) is hereby further amended to read as follows

Section 204 [Coroner to Act as Sheriff in Case of Vacancy If any sheriff shall be legally removed from his office or shall die or resign before expiration of the term for which he was commissioned the coroner of the county shall execute the office of sheriff and perform all things thereunto appertaining until another sheriff is commissioned and notice thereof is given to such coroner] Vacancies Fees for Commissions If any vacancy shall occur in the office of coroner either by death resignation removal from office or from the county failure or refusal to qualify or otherwise it shall be the duty of the Governor to appoint some suitable person to fill such vacancy for the remainder of the unexpired term

No fees shall hereafter be charged on commissions issued to the coroner

Section 4 That sections two hundred forty-seven and six hundred seventy-five of said act are hereby amended to read as follows

Section 247 Filling of Vacancies If any vacancy shall occur either by death resignation removal from office or from the county or otherwise the [judges of the court of common pleas] Governor shall supply such vacancy by the appointment of a competent person to fill the office during the balance of the unexpired term

Section 375 Authority to Sell or Lease Real Property The board of commissioners may sell or lease any real property belonging to the county on petition to the court of common pleas setting forth a description of the property to be sold or leased and the reason therefor the court shall thereupon fix a day for hearing and notice of which shall be given in at least two newspapers in said county of general circulation once a week for three consecutive weeks In the case of any lease of county property hereunder such property with any and all improvements or additions thereon or thereto shall in the hands of the lessee be subject to taxation by such county and any other municipal or political subdivision therein in the same manner as all other real estate located in such county all of which taxes shall be levied and assessed against and paid by the lessee After hearing the court shall make such order and decree as shall seem right and proper Such sale or lease shall be returned to the following term of court as orphans' court sales are now returned and said court shall confirm or refuse to confirm said sales or leases as it may deem best for the interests of the county

Section 5 That said act is hereby amended by adding thereto after section one hundred fifty a new section to read as follows

Section 150.1 Vacancies Any vacancy occurring by removal from office death resignation removal from the county or otherwise in the office of county treasurer in counties of the second class shall be filled by the appointment of any eligible person by the county commissioners and the person so appointed shall hold said office for the balance of the unexpired term

The fifth section was read as follows:

Section 5 That said act is hereby amended by adding thereto after section one hundred fifty-four a new section to read as follows

Section 155 Assistant Solicitors Clerks and Stenographers In counties of the second class the county solicitor may with the consent and approval of the county commissioners appoint to assist him in the discharge of the duties of his office such assistant solicitors who shall be attorneys-at-law admitted and qualified to practice in the courts of this Commonwealth and such clerks and stenographers as may be deemed necessary who shall receive such salaries as may be fixed according to law.

On the question,

Will the House agree to the section?

Mr. BAINE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, section 5, page 5, line 24, by striking out the figure "5" and inserting in lieu thereof: "6"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth section was read as follows:

Section 6 That section two hundred five of said act and the amendments thereto are hereby repealed

On the question,

Will the House agree to the section?

Mr. BAINE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend bill, section 6, page 6, line 8, by striking out the figure '6" and inserting in lieu thereof: "7"

Amend bill, section 6, page 6, by inserting after line 9 the following section: "Section 8. The provisions of this act shall become effective immediately upon its final enactment."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend section fifty-nine as amended section one hundred ninety as added section two hundred four as amended and sections two hundred forty-seven and six hundred seventy-five of to add sections one hundred fifty and one-tenth and one hundred fifty-five to and to repeal section two hundred five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the provisions for filling vacancies in the office of coroner sheriff and district attorney providing for and prescribing the procedure for leasing of real property belonging to counties and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class

On the question,

Will the House agree to the title?

Mr. BAINE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title page 2, line 2 of title, by inserting after the word "the" the following: "filling of vacancies in the office of county treasurer and the"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2143, (Senate Bill No. 607), entitled:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1755, as follows:

An Act providing for the regulation by the Insurance Department fo non-profit corporations organized to provide hospital care and service for subscribers prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospital care and service conferring powers on the Insurance Department and the Department of Welfare exempting such corporations from taxation and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This act shall be known and may be cited as the "Non-profit Hospital Service Plan Act"

Section 2 (a) Any non-profit corporation heretofore or hereafter organized under the Non-profit Corporation Law approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) for the purpose of establishing maintaining and operating a non-profit hospital service plan whereby hospital care and service may be provided to subscribers to such plan by any hospital with which such corporation has a contract for such care and service shall be subject to regulation by the Insurance Department as provided in this act Every such corporation shall be exempt from all other of the insurance laws of this Cmmonwealth and no law hereafter enacted shall apply to such corporation unless it be specifically designated therein

(b) It shall be unlawful for any person association or corporation other than a non-profit corporation especially organized for the purpose to establish maintain or operate a non-profit hospital service plan whereby hospital care and service may be provided to subscribers under such plan as aforesaid

Section 3 Any non-profit corporation subject to the provisions of this act may enter into contracts for the rendering of hospital care and service to any of its subscribers only with hospitals operated by the Commonwealth or its agencies or by political subdivisions or by corporations organized under the laws of this Commonwealth for hospital purposes or with such other hospitals as are approved by the Department of Welfare

Section 4 The rates charged to subscribers by non-profit corporations subject to the provisions of this act all rates of payments to hospitals made by such corporations pursuant to the contracts provided for in this act all acquisition costs in connection with the solicitation of subscribers to such hospital service plans the reserves to be maintained by such corporations the certificates issued by such corporations representing their subscribers' agreements and any and all contracts entered into by any such corporation with any hospital shall at all times be subject to the prior approval of the Insurance Department Applications for such approval shall be made to the Insurance Department in such form and shall set forth such information as the department may require If any such application is not approved by the department notice thereof shall forthwith be served on the applicant either personally or by mail Within thirty days from the date of such notice the applicant may apply to the Court of Common Pleas of Dauphin County by petition and a rule to show cause why the action of the department should not be set aside and the application approved Solicitors or agents for every non-profit corporation subject to the provisions of this act shall meet the same prerequisites

as existing law requires of agents for insurance companies

Section 5 Every non-profit corporation subject to the provisions of this act shall annually on or before the first day of March file with the Insurance Department a statement verified by at least two of the principal officers of the corporations showing its condition on the thirty-first day of December then next preceding Such statement shall be in such form and shall contain such matters as the department shall prescribe Every such non-profit corporation shall be subject to examination not less frequently than every three years by the Insurance Commissioner and his agents who shall have free access to all the books records papers and documents that relate to the business of the corporation and the power to examine the officers agents and members of the corporation under oath in relation to the affairs transactions and conditions of the corporation Such examinations shall be made at such times as the Insurance Department shall deem necessary

Any law to the contrary notwithstanding the funds equal to the reserves of any non-profit corporation subject to the provisions of this act shall be invested in compliance with the requirements set forth by law for the investement of capital and reserves of life insurance companies The funds of any such corporation equal to its surplus shall be invested in compliance with the requirements set forth by law for the investment of surplus of life insurance companies

Section 7 No non-profit corporation subject to the provisions of this act shall be dissolved in the manner provided by law except with the prior approval of the Insurance Department No court of common pleas shall enter a decree dissolving such a corporation and until a certificate of approval by the Insurance Department is filed with such court Any dissolution or liquidation of a corporation subject to the provisions of this act shall be under the supervision of the Insurance Commissioner who shall have all powers with respect thereto granted to him under existing laws governing the dissolution or liquidation of insurance companies

Section 8 Non-profit corporations subject to the provisions of this act are hereby declared to be charitable and benevolent institutions and all of their funds and investments shall be exempt from taxation by the Commonwealth and its political subdivisions

Section 9 Any person association or corporation violating any of the provisions of this act or any order of the Insurance Department made pursuant thereto shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or such person or the partners of such association or the officers or directors of such corporation responsible for such violation shall be sentenced to imprisonment for not more than six (6) months or both in the discretion of the court

Section 10 This act shall become effective immediately upon tis final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1043, as follows:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation as amended by imposing annual taxes for State purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended is hereby re-enacted amended or further amended as the case may be to read as follows

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section heading shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exemptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State [purposes] purposes at the rate of [four] four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all ground rents all moneys owing by solvent debtors whether by promissory note or penal or

single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section [eighteen] seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution [building and loan association] corporation or limited partnership liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] and the principal value of all annuities [yielding annually over two hundred dollars ($200.00)] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employes thrift or saving association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four] four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four] four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said saving institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint stock associations liable to [tax on capital stock] a tax on their shares or a capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated [hereafter] received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possesed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning [such property] each of the different classes of property whether or not taxable enumerated in the third section of this act owned held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed

to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed quilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The Department shall on or before the fifteenth day of January one thousand nine hundred [thirty-seven] thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and [assessed] returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 [Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the amount of the tax due Any resident against whom an estimated assessment is made who shall fail or refuse to file a return and compute and pay the tax interest and penalty in the manner and within the time provided in this section shall have no right to appeal therfrom or to petition for a re-assessment and in any suit for the collection of a tax so assessed shall not be permitted to set up a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter of defense whatsoever If any resident shall file a return before an estimated assessment is made but not within the time required by this act such resident at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the tax due

Section 7 Additional] Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax [thereon] due the Commonwealth as required in this act the department shall make an [additional] assessment of tax against such resident [on] of the amount of [such omitted property] tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such [additional assessment] tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the [additional] assessment so made he may petition for a re-assessment in the manner hereinafter provided

Section [8] 7 Assessments Made at any Time within Five Years An [additional assessment or estimated] assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous [additional or estimated] assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section [9] 8 Petition for Re-assessment Appeal (a) Any resident against whom an [additional] assessment is made may petition the department for a re-assessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such [additional] assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings [in each county] as may be necessary to hear and determine petitions for re-assessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for re-assessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the [additional] assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for re-assessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for re-assessment he shall have the right to appeal to the court of common pleas of the [proper] county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for re-assessment and to file a petition for re-assessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid in all cases of petitions for re-assessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section [10] 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to

the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest [and penalties] as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit the date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgage or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgage and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgages assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgage assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section [11] Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dolars ($600.-00) per annum

Section 11 Due Date All taxes [whether a report is filed as herein required or whether an estimated or additional assessment is made by the department] imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section [13] 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of [twelve] six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section [14] 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be unlawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section [15] 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth [and] to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section [16] 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fradulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section [ten] nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section [ten] nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section [ten] nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section [17] 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any return investigations hearings or verifications required or authorized by this act and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section [18] 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All script bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine on reports filed for the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred forty and every year thereafter on reports filed for the calendar years one thousand nine hundred thirty-nine (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-nine) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all script bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred [thirty-six] thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred [thirty-five] thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-five] thirty-seven) and for every year thereafter [at the rate of one mill on each dollar of the nominal value thereof and during the calendar year one thousand nine hundred thirty-seven on reports filed for the calendar year one thousand nine hundred thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred thirty-six at the rate of four mills on each dollar of the nominal value thereof which tax shall be in addition to the tax imposed for section seventeen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) and its amendments or supplements] Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes

for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four mills] tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the [four mills] tax imposed herein on any of [the said] such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shal be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

[Section 19 Collection of Taxes The tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax imposed for State purposes upon such obligations by section seventeen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred eleven) and its amendments or supplements it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act]

Section 18 Reports and Payment of the State Tax by Private Corporations and Municipalities (a) It shall be he duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except non-profit corporations and co-operative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bond certificate or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificites or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations

All moneys paid into the State Treasury from taxes for the first year for which a tax is imposed by the provisions of this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the second year this act is in effect shall be credited to the General Fund

Section [20] 19 Disposition of Tax Interest Fees Fines Forfeitures and Penalties All taxes and interest that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department

Section [21] 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section [22] 20 [Effect on Other Acts of Assembly Nothing contained in this act shall be deemed to repeal or modify the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments or supplements The taxes imposed by this act shall be in addition to all other taxes which are now or hereafter imposed by law] Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Sections seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred

thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and their amendments are hereby repealed

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section [23] 21 Effective Date This act shall become effective immediately upon its final enactment and [shall remain] be in force for the assessment and collection of taxes under section three of this act for the calendar [years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the value thereof] years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine and for the collection of taxes under section [eighteen] seventeen of this act [during the calendar years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the nominal value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the nominal value thereof on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six] for the calendar [year one thousand nine hundred thirty-eight on reports filed] year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven) and for every year thereafter

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—147

Achterman,	Elpern,	McArdle,	Schor,
Allen,	Falkenstein,	McCullough,	Schrope,
Allmond,	Finnerty,	McDermott,	Shaw,
Arnold,	Fitch,	McElroy,	Shea,
Aukerman,	Flannery,	McGee,	Shepard,
Baine,	Flinchbaugh,	McShane,	Shoemaker,
Baker, J. J.,	Ganser,	Melchiorre,	Shugarts,
Balthaser,	Gerard,	Mellott,	Siegel,
Bierly,	Gorski,	Mihm,	Simon,
Blank,	Haberlen,	Moomaw,	Skale,
Bohn,	Hagerty,	Mooney,	Smith, James A.,
Boles,	Hamilton, F. P.,	Moran,	Smith, John A.,
Boltz,	Harkins,	Moul,	Spengler,
Bradley,	Harmuth,	Munley,	Stank,
Brancato,	Hays,	Murrin,	Thomas,
Brigerman,	Hering,	Nagel,	Thompson,
Broad,	Hess,	O'Brien,	Toole,
Brown,	Hetrick,	O'Connor,	Tronzo,
Brownfield,	Hindman,	O'Keefe,	Tumelty,
Burrows,	Hirsch,	Ominsky,	Valibus,
Caesar,	Holland,	O'Neill,	VanSickle,
Caputo,	Holstrom,	Ostroff,	Vogt,
Chervenak,	Hontz,	Patterson, C. S.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Piole,	Weiss, D. H.,
Coleman,	Kane,	Powers,	Weiss, S. A.,
Coolahan,	Keenan,	Preston,	Welliver,
Corrigan,	Kelso,	Readinger,	Welsh,
Costanzo,	Kilroy,	Reese,	Westrick,
Decker,	Kroll,	Reising,	Whalen,
DeNote,	LaRue,	Richter,	Whitenight,
Dickinson,	Levy,	Robinson,	Wright,
Donohoe,	Lewis,	Rothenberger,	Yanoshat,
Dougherty,	Long,	Ruffennach,	Yourishin,
Downey,	Lopresti,	Rush,	Zappala,
Dubbs,	Lovett,	Sarraf,	Furman,
Dyson,	Marino,	Scanlon,	

NAYS—50

Atkins,	Imbrie,	Royer,	Trout,
Baker, F. T.,	Kline,	Schrock,	Turner,
Boose,	Leisey,	Schumacher,	VanAllsburg
Boyer,	Longaker,	Serrill,	Wall,
Cadwalader,	Lyons,	Sloan,	Wampole,
Davies,	Mallen,	Snyder,	Watkins,
Eckels,	Matthews, J. F.,	Sproul,	Webster,
Fiss,	McDevitt	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Merrell,	Stockham,	Wood,
Hall,	Muir,	Strode,	Woodside,
Hamilton, R. S.,	Peale,	Terry,	Yeakel,
Huntley,	Perry,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 947, as follows:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the

licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire department in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended by the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1523) is hereby amended to read as follows

Section 3 Special Requirements There shall be installed such emergency lighting systems sprinkler systems [and] fire alarm systems and gas and shut-off valves in such of the buildings enumerated in this act as the Department of Labor and Industry may specify and which in its judgment are necessary to give the proper protection from fire and panic to those employed assembled lodged or housed therein No such systems shall be installed unless they are of a type approved by the Department of Labor and Industry

All buildings enumerated in this act which may be supplied from some outside source with gas shall be equipped with a gas shut-off valve attached to the gas supply pipe or pipes on the inside of the building at a point where said pipes enter the building and before they reach the gas meter which valve shall be connected with a conspicuous and conveniently accessible control box at a place on the exterior of the building so arranged as to allow the gas supply to be shut off by any member of any fire department immediately wherever the necessity arises The fire department of any municipality shall have the exclusive use of gas shut-off valves and their operation in the event of fire or other emergency Such shut-off valve and said control box for the shut-off valve shall be so marked as to indicate their respective purpose The gas shut-off valve shall be so constructed as to automatically shut off the gas when subjected to sufficient heat

All gas shut-off valves and necessary appliances shall be designed to minimize the danger of explosion and to prevent or retard the escape of gas in case of fire and be of types approved by the Department of Labor and Industry

All existing buildings and every building hereafter erected subject to the provisions of this act shall be equipped with such device and necessary appliances within six months after the effective date of this act

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gerard,	Melchiorre,	Skale,
Allen,	Gorski,	Mellott,	Sloan,
Allmond,	Habbyshaw,	Merrell	Smith, James A.,
Arnold,	Haberlen,	Mihm,	Smith, John A.,
Atkins,	Hagerty,	Moomaw,	Snyder,
Aukerman,	Hall,	Mooney,	Spengler,
Baine,	Hamilton, F. P.,	Moran,	Sproul,
Baker, J. J.,	Hamilton, R. S.,	Moul,	Stackpole,
Balthaser,	Harkins,	Muir,	Stank,
Bierly,	Harmuth,	Munley,	Stewart,
Blank,	Hays,	Murrin,	Stockham,
Bohn,	Hering,	Nagel,	Strode,
Boles,	Hess,	O'Brien,	Terry,
Boltz,	Hetrick,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holstrom,	Ostroff,	Trout,
Broad,	Hontz,	Patterson, C. S.,	Tumelty,
Brown,	Horting,	Peale,	Turner,
Brownfield,	Huntley,	Pearson,	Valibus,
Burrows,	Imbrie,	Piole,	VanAllsburg,
Caesar,	Jirolanio,	Powers,	VanSickle,
Caputo,	Keenan,	Preston,	Vogt,
Chervenak,	Kelso,	Readinger,	Wagner,
Cohen, H. B.,	Kilroy,	Reese,	Wall,
Cohen, R. E.,	Kline,	Reising,	Walsh,
Coleman,	Kroll,	Richter,	Wampole,
Coolahan,	LaRue,	Robinson,	Watkins,
Corrigan,	Leisey,	Rothenberger,	Webster,
Costanzo,	Levy,	Royer,	Weiss, D. H.,
Davies,	Lewis,	Ruffennach,	Weiss, S. A.,
Decker,	Long,	Rush,	Welliver,
DeNote,	Longaker,	Sarraf,	Welsh,
Dickinson,	Lopresti,	Scanlon,	Westrick,
Donohoe,	Lovett,	Schor,	Whalen,
Dougherty,	Lyons,	Schrock,	Whitenight,
Downey,	Mallen,	Schrope,	Wilson,
Dubbs,	Marino,	Schumacher,	Winner,
Dyson,	Matthews, J. F.,	Serrill,	Wood,
Elpern,	McArdle,	Shaw,	Woodside,
Falkenstein,	McCullough,	Shea,	Wright,
Finnerty,	McDermott,	Shepard,	Yanoshat,
Fiss,	McDevitt	Shoemaker,	Yeakel,
Fitch,	McElroy,	Shugarts,	Yourishin,
Flannery,	McGee,	Siegel,	Zappala,
Flinchbaugh,	McKinney,	Simon,	Furman,
Ganser,	McShane,		

NAYS—7

Baker, F. T.,	Cadwalader,	Gillette,	Perry,
Boose,	Eckels,	Kane,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. MORAN. Mr. Speaker, I desire to call up at this time House Bill No. 250, Printer's No. 489, on page 26 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MORAN.

The House resumed the consideration on third reading of House Bill No. 250, entitled:

An Act authorizing cities boroughs and towns to construct acquire own operate and control waterworks and electric plants and appurtenances thereto and to sell and purchase water and electrical energy both within and without their corporate limits conferring the power of eminent domain conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof providing for the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. MORAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. Will the House give unanimous consent to the insertion of amendments at this time? Is there objection?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Moran.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. MORAN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as I understand these amendments, you are taking it from the courts and giving it to the Public Service Commission, is that correct?

Mr. MORAN. Mr. Speaker, the Public Utility Commission.

Mr. TURNER. The Public Utility Commission. I am still practicing under the old act.

Mr. MORAN. Mr. Speaker, I do not expect the gentleman to change his ways.

Mr. TURNER. Mr. Speaker, will the gentleman answer my question? I asked him whether he was taking this from the courts and giving it to the Public Utility Commission?

Mr. MORAN. Yes, Mr. Speaker.

Mr. TURNER. Does that mean, Mr. Speaker that he is giving the control over municipal water works and gas and electric plants to the Public Utility Commission?

Mr. MORAN. Why, no, Mr. Speaker. They are merely going to act as a sort of referee in case any municipality desires to take over a public utility facility of any kind and we feel that they are better qualified to know what it is all about rather than a judge who doesn't know anything about utilities.

Mr. TURNER. Mr. Speaker, would the gentleman say that was true under present circumstances, that the court did not know any more about public utilities than the Public Utility Commission?

Mr. MORAN. Mr. Speaker, I believe and agree that the Public Utility Commission knows more about it than the court because they are dealing with it at all times and some of its members have been dealing with it for years.

Mr. TURNER. Under section 851, Mr. Speaker, there was a provision that gave the Commission the right to regulate the rates of utilities but I believe that has been taken out by the amendment. Here I notice that you give them the right to regulate outside of the municipality.

Mr. MORAN. No, I do not understand it that way, Mr. Speaker.

Mr. TURNER. Then, Mr. Speaker, the amendments of the gentleman do not carry out what he says.

Mr. MORAN. Mr. Speaker, will the gentleman show me where in those amendments what he says is in there?

Mr. TURNER. Mr. Speaker, on the amendment of the gentleman, section 21, on the third page of his amendments, "control, sell or lease public utility facilities and to add to and maintain facilities to enable it to furnish or render public utilities service within or beyond its corporate limits or both."

Mr. MORAN. Mr. Speaker, that will allow any municipality that now has a plant under this act to sell beyond their corporate limits.

Mr. TURNER. Mr. Speaker, on the next page of the amendments of the gentleman, the amendment to section 23 reads: "no municipality shall exercise the right of eminent domain herein conferred against any real property outside its corporate limits without the approval of the Pennsylvania Public Utility Commission."

Mr. MORAN. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does that not refer to outside.

Mr. MORAN. Yes, Mr. Speaker, I would say so.

Mr. TURNER. Mr. Speaker, isn't that regulation outside?

Mr. MORAN. Well, Mr. Speaker, somebody has got to regulate them, even municipal.

Mr. TURNER. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

RULE 81 SUSPENDED

Mr. MORAN. Mr. Speaker, I move that House Rule No. 81 be suspended for the specific purpose of reconsidering the vote on this bill.

On the question,

Will the House agree to the motion?

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TURNER. Mr. Speaker, the gentleman's motion was to suspend the rule.

The SPEAKER. That is the motion we are voting on, to suspend Rule No. 81.

Mr. TURNER. Mr. Speaker, I understood that the question you are putting to the House was to reconsider a vote.

The SPEAKER. That is correct. The only way that we can reconsider the vote is to suspend Rule No. 81 because the time limit on this bill has already passed.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of Parliamentary inquiry.

Mr. TURNER. Mr. Speaker, what rule did the gentleman ask be suspended?

The SPEAKER. Rule No. 81.

On the question recurring,

Will the House agree to the motion?

On a rising vote one hundred and twenty-one members or more than a majority having voted in the affirmative, the motion was agreed to.

RECONSIDERATION OF VOTE

Mr. MORAN. Mr. Speaker, I move that the vote by which the House ordered this bill to be transcribed for third reading be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Moran, vote on the motion?

Mr. MORAN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky, vote on the motion?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. MORAN. Mr. Speaker, I move that the vote by which the House agreed to the bill on second reading be reconsidered.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. MORAN. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

The motion was agreed to.

Mr. MORAN. Mr. Speaker, I move that the vote by which the various sections were agreed to be reconsidered.

The motion was agreed to.

Article I, section 1, was read as follows:

ARTICLE I

Preliminary Provisions

Section 1. Definitions. The following words and

phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" the board of directors created under this act to manage and operate a waterworks or electric plant acquired or constructed in accordance with this act

"Company" any person copartnership association and corporation eng.ged in a public utility business for the storage or supply of water or both or of electrical energy to the public

"Court" the court of common pleas of the county in which the municipality acquiring or constructing a waterworks or electric plant in accordance with this act is located

"Electric plant" includes the plant or plants property franchises real estate contracts leases personal property privileges easements distribution system sub-stations intertie and transmission lines and every other matter or thing used for the generation and supply of electrical energy to the public

"Municipality" any city borough and town of this Commonwealth and shall refer to the municipality acquiring or constructing a waterworks or electric plant in accordance with the provisions of this act

"Municipal authorities" refers to the municipal authorities of the municipality acquiring or constructing a waterworks or electric plant in accordance with the provisions of this act

"Owner" any individual copartnership association and corporation owning in whole or in part any waterworks or electric plant in use or useable for the purpose of furnishing and supplying water or electrical energy to the public the acquisition of which is desired by a municipality

"Waterworks" includes the plant or plants property franchises real estate contracts leases personal property privileges easements water rights water sheds water courses reservoirs dams conduits pipes channels and all and every other matter or thing used for the storage or supply or both of water to the public

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 22, by striking out the following "a waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 1, page 2, lines 24 to 29, by striking out all of said lines.

Amend sec. 1, page 3, lines 1 to 8, by striking out all of said lines.

Amend sec. 1, page 3, line 9, by striking out the following: "and town" and inserting in lieu thereof: "town and township."

Amend sec. 1, page 3, line 11, by striking out the following: "a waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 1, page 3, lines 14 and 15, by striking out the following: "a waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 1, page 3, line 18, by inserting after the word "owning" the following: "or leasing"

Amend sec. 1, page 3, lines 18 and 19, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 1, page 3, lines 23 and 28, by striking out all of said lines, and inserting in lieu thereof: "Public utility facilities, all the plant and equipment including all tangible and intangible real and personal property, and any and all means and instrumentalities owned, operated, leased, used and controlled in connection with the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water and the collection, disposition or treatment of sewage.

Public utility service' the furnishing or rendering of natural or artificial gas, electric energy, steam, water or sewage service to the public."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article I, section 2, was read and agreed to as follows:

Section 2 Short Title This act shall be known and may be cited as "The Municipal Utility Law"

Article II, section 21, was read as follows:

ARTICLE II

Acquisition and Construction of Municipal Waterworks or Electric Plants

Section 21 Powers of Municipalities Any municipality is hereby authorized and given power to construct acquire own operate and control its own waterworks and electric plant and to add to and maintain lands easements rights of way pipe lines franchises distribution systems substations and inter-tie or transmission lines to enable it to use purchase sell and dispose of water or electrical energy or both inside its corporate limits and outside its corporate limits and with the consent of the owner thereof to connect its waterworks or electric plant with any other waterworks or electric plant

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 21, page 4, lines 8 to 16, by striking out the following: "and control its own waterworks and" in line 8, and f all of lines 9 to 16, and inserting in lieu thereof: "control, sell or lease public utility facilities and to add to and maintain such facilities to enable it to furnish or render public utility service within or beyond its corporate limits or both."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 22, was read and agreed to as follows:

Section 22 Construction of Waterworks and Dams The construction of any waterworks shall be in accordance with plans therefor previously filed with the Secretary of Health and a permit issued therefor in accordance with the act of Assembly approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" and the amendments and supplements thereto The construction of any dam or of any other obstruction to a stream shall be in accordance with a permit issued therefor by the Water and Power Resources Board in accordance with the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this pur-

pose and providing penalties for the violation of the provisions hereof" and the amendments and supplements thereto

Article II, section 23, was read as follows:

Section 23 Power of Eminent Domain Every municipality is hereby granted the power of eminent domain under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality

(a) For the purpose of erecting a waterworks or electric plant or improving its waterworks or electric plant to acquire springs streams rivers lakes ponds water sheds or creeks and lands easements roads streets and rights of way within or without its territorial limits as to which the Water and Power Resources Board after due notice and public hearing shall have found that the appropriation of the same is required by the present and future interests of the Commonwealth for the construction maintenance or operation of the waterworks or electric plant of said municipality and is not incompatible with the public interests of the region in the vicinity of such property and works and

(b) For the purpose of conducting water or electrical energy obtained outside the limits of said municipality to lay and construct pipes drains conduits water ways substations inter-tie and transmission lines under and over any lands rivers streams bridges roads streets sidewalks or across railroads and street railways No water appropriated under the provisions of this act shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic or farm purposes

No municipality shall exercise the right of eminent domain herein conferred as against any property of a public service company other than a water company or an electric company or as against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of assembly by the Council of the Colony of Pennsylvania the Supreme Executive Council of the Commonwealth of Pennsylvania or the Congress of the United States or against the land occupied by any fort redoubt or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by the Commander-in-chief of the Continental Army or as against the site of any building fort redoubt blockhouse or headquarters which are preserved for their historic associations and not for private profit The Colonial and Revolutionary period shall be taken as ended on the third day of September one thousand seven hundred and eighty-three

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 23, page 5, lines 17 and 18, by striking out the following: "a waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 23, page 5, line 18, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 23, page 5, line 21, by striking out the following "without" and inserting in lieu thereof: "beyond"

Amend sec. 23, page 5, line 24, by striking out the following: "and" and inserting in lieu thereof: "or"

Amend sec. 23, page 5, lines 26 and 27, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 23, page 5, line 29, by striking out the following: "property and works" and inserting in lieu thereof: "public utility facilities"

Amend sec. 23, page 6, lines 1 to 3, by striking out the following: "conducting water or electrical" in line 1, all of line 2, and "lay and construct" in line 3, and inserting in lieu thereof: "laying and constructing"

Amend sec. 23, page 6, line 6, by inserting after the word "railways" the following: "to acquire lands, easements, roads, streets and rights of way"

Amend sec. 23, page 6, lines 12 and 13, by striking out the following: "service company other than a water company or an electric or" and inserting in lieu thereof: "utility company other than a company rendering a public utility service as defined in this act"

Amend sec. 23, page 6, by inserting between lines 27 and 28 the following paragraph: "No municipality shall exercise the right of eminent domain herein conferred against any real property outside its corporate limits without the approval of the Pennsylvania Public Utility Commission".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 24, was read as follows:

Section 24 Notice of Intention to Acquire Waterworks or Electric Plants Whenever the municipal authorities of any municipality shall desire to acquire by purchase or right of eminent domain the waterworks or electric plant of a company in whole or in part they shall adopt a resolution signifying their intention to do so The municipal authorities shall forthwith serve on the company his her their or its authorized agent or representative a true copy of such resolution duly certified under the seal of the municipality

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 24, page 6, line 29, by striking out the following: "Waterworks or Electric Plants" and inserting in lieu thereof: "Public Utility Facilities"

Amend sec. 24, page 7, line 3, by striking out the following: "waterworks or electric plant of a company" and inserting in lieu thereof: "Public utility facilities of an owner"

Amend sec. 24, page 7, line 6, by striking out the following: "company" and inserting in lieu thereof: "owner"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 25, was read as follows:

Section 25 Hearings If within ten days after the service of such resolution upon the company his her their or its authorized agent or representative such company shall propose to sell and transfer such waterworks or electric plant in whole or in part to the municipality upon terms and conditions to be mutually agreed upon between such company and the municipal authorities the court shall upon application fix a time and place for a public hearing and consideration of such proposal of which due notice to all parties interested shall be given as the court may direct

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 25, page 7, line 10, by striking out the following: "company" and inserting in lieu thereof: "owner"

Amend sec. 25, page 7, line 11, by striking out the following "company" and inserting in lieu thereof: "owner"

Amend sec. 25, page 7, lines 12 and 13 by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 25, page 7, line 15, by striking out the following: "company" and inserting in lieu thereof: "owner"

Amend sec. 25, page 7, line 16, by striking out the following: "court" and inserting in lieu thereof: "Pennsylvania Public Utility Commission"

Amend sec. 25, page 7, line 19, by striking out the following "court" and inserting in lieu thereof: "commission"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 26, was read as follows:

Section 26 Owners to Furnish Maps and Drafts of Property and Works The owner or owners shall also furnish to the municipal authorities five days before the day of hearing a map or draft delineating and picturing the waterworks or electric plant of the said owner or owners in actual and contemplated use for supplying water or electrical energy to any and all portions of the area of such municipality

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 26, page 7, line 21, by striking out the following: "Property and Works" and inserting in lieu thereof: "Public Utility Facilities"

Amend sec. 26, page 7, line 24, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 26, page 7, line 26, by striking out the following: "supplying water or electrical energy" and inserting in lieu thereof: "furnishing or rendering public utility service"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 27, was read as follows:

Section 27 Execution of Contracts for Purchase If after the public hearing the terms and conditions of the purchase and sale shall be agreed upon by the municipal authorities and the said owner or owners and be approved by the court then the municipal authorities shall by resolution authorize and direct the execution on the part of the municipality of such contracts in writing and other instruments as they deem proper and take any and every action with reference thereto necessary or appropriate to consummate such purchase and sale and transfer to the municipality of the waterworks or electric plant of the said owner or owners and to make payment therefor in accordance with the terms of such agreement

Every such agreement of purchase shall take into consideration the time element required (1) to enable the municipality to complete its plans financing such purchase so that the consideration may be paid to the said owner or owners at the time the waterworks or electric plant is transferred to the municipality and (2) to enable the municipality to create and organize a board of directors to manage and operate such waterworks or electric plant as provided in this act

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 27, page 8, line 3, by striking out the following: "court" and inserting in lieu thereof: "Pennsylvania Public Utility Commission"

Amend sec. 27, page 8, line 6, by striking out the following: "as they deem proper"

Amend sec. 27, page 8, lines 9 and 10, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 27, page 8, lines 13 to 21, by striking out all of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 28, was read as follows:

Section 28 Power of Eminent Domain If the amount to be paid by the municipality to said owner or owners for his her their or its waterworks or electric plant cannot be mutually agreed upon then the municipality shall have power by its municipal authorities to acquire such waterworks or electric plant or any part thereof by the exercise of the power of eminent domain which is hereby granted under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality Provided however That no municipality shall acquire by condemnation any privately owned waterworks or electric plant located within its limits except with the approval of a majority of the qualified voters of the municipality and where the waterworks or electric plant is located in some other municipality or township also with the approval of the qualified voters of that municipality or township in which the waterworks or electric plant to be acquired is located nor shall any municipality acquire by condemnation the waterworks or electric plant or any part thereof belonging to or owned or operated by any political subdivision or governmental agency or mutual non-profit or cooperative association or organization No private corporation whose waterworks or electric plant is so acquired shall cease to operate the same until such waterworks or electric plant is turned over to the municipality for ownership management or control

No source of supply for water or generating system for electrical energy shall be taken without taking also the property and works necessarily dependent upon such source of supply or generating system for a supply of water or electrical energy at the time of such taking

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 28, page 8, lines 24 and 25, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 28, page 8, line 27, by striking out the following "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 28, page 9, line 1, by inserting after the word "which" the following: "power of eminent domain"

Amend sec. 28, page 9, lines 1 to 4, by striking out the following: "under the same provisions and" in line 1, all of lines 2 and 3, and "uses or purposes of such municipality" in line 4.

Amend sec. 28, page 9, line 6, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 28, page 9, lines 8 to 13, by striking out the following: all of lines 8 to 12, and "nor shall any municipality" in line 13, and inserting in lieu thereof: "electors of the municipality voting on a question submitted to determine the will of the electors in the manner provided by the election laws of this Commonwealth, and when such facilities are located in some other municipality, also with the approval of a majority of the electors of such municipality voting on a question so submitted. No municipality shall"

Amend sec. 28, page 9, line 14, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 28, page 9, line 18, by striking out the following: "waterworks or electric plant is" and inserting in lieu thereof: "public utilities facilities are"

Amend sec. 28, page 9, lines 19 and 20, by striking out the following: "waterworks or electric plant is" and inserting in lieu thereof: "facilities are"

Amend sec. 28, page 9, lines 20 and 21, by striking out the following: "for ownership management or control"

Amend sec. 28, page 9, lines 22 and 23, by striking out the following: "for water or generating system for electrical energy" and inserting in lieu thereof: "or generating system for public utility service"

Amend sec. 28, page 9, lines 25 and 26, by striking out the following "a supply of water or electrical energy" and inserting in lieu thereof: "such service"

On the question,

Will the House agree to the section?

Mr. SPROUL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 28, page 9, line 5, by inserting after the word "condemnation" the following: "or purchase"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 29, was read as follows:

Section 29 Methods of Valuation In any such eminent domain proceeding one of the following methods of valuation shall be used to ascertain the value of the waterworks or electric plant to be acquired viz

(a) A valuation to be placed on the waterworks or electric plant of the owner or owners thereof in accordance with the provisions if any contained in the charter of the said owner company or

(b) A valuation to be placed on the waterworks or electric plant of the owner or owners thereof in accordance with the laws of this Commonwealth for the acquisition of the waterworks or electric plant of the said owner or owners which are applicable to such owner company by reason of its incorporation thereunder or by reason of its acceptance of such laws in the manner therein provided or

(c) In case the methods of valuation under clauses (a) and (b) of this section are not applicable to an owner company then a valuation to be placed thereon by viewers after ascertaining the facts and viewing the waterworks or electric plant as in other cases of eminent domain proceedings

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 29, page 9, lines 27 and 28, by striking out the following "Methods of Valuation in any such" in line 27, and all of line 28.

Amend sec. 29, page 10, lines 1 to 20, by striking out all of said lines, and inserting in lieu thereof the following:

"Procedure; Valuation. Every such eminent domain proceeding shall be instituted by petition filed by the municipality before the Pennsylvania Public Utility Commission, The commission shall thereupon proceed to value and appraise the public utility facilities, and for such purpose shall have access to the books and records of the owner to inform itself as to the value thereof. The commission shall fix a time and place for a hearing on said valuation, of which reasonable notice shall be given to all parties in interest. At such hearing, testimony and evidence may be offered by either party.

After such notice and hearing, the commission shall make an order determining the value of the public utility facilities to be acquired. Any party aggrieved by such order may appeal therefrom as provided in section ninety-three of this act.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 30, was read as follows:

Section 30 Costs The costs of the proceedings hereinbefore provided for shall be paid by the municipality acquiring the waterworks or electric plant

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 30, page 10, lines 21 to 23, by striking out all of said lines.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 31, was read as follows:

Section 31 Completion of Financing Plans Taking of Possession When the value of the waterworks or electric plant of an owner or owners has been finally

determined as provided in this act the plans of the municipality for financing such acquisition have been fully completed and a board of directors to manage and operate said waterworks or electric plant has been created and organized the municipality shall have the right to enter into possession of said waterworks or electric plant The municipal authorities shall notify the owner or owners in writing by service upon an officer agent or representative thereof of the time and place on the property of the owner or owners when they will take possession of the waterworks or electric plant and will pay to the owner or owners the amount finally determined as the value of the waterworks or electric plant or the amount if any over and above the liens against the waterworks or electric plant to be acquired if such liens by order of the court are to remain on the waterworks or electric plant

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 31, page 10, line 24, by striking out the following: "31" and inserting in lieu thereof: "30"

Amend sec. 31, page 10, lines 25 and 26, by striking out: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 31, page 10, line 27, by inserting after the word "act" the following: "and"

Amend sec. 31, page 10, line 29, by striking out the following: "and a board of directors to manage and operate"

Amend sec. 31, page 11, lines 1 and 2, by striking out the following: all of line 1, and the word "organized" in line 2.

Amend sec. 31, page 11, line 3, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 31, page 11, line 5, by striking out the following: "and" and inserting in lieu thereof: "his her their or its"

Amend sec. 31, page 11, line 6, by striking out the following: "thereof"

Amend sec. 31, page 11, line 8, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utililty facilities"

Amend sec. 31, page 11, line 10, by striking out the following: "the waterworks or electric plant" and inserting in lieu thereof: "such facilities"

Amend sec. 31, page 11, lines 11 and 12, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "facilities"

Amend sec. 31, page 11, lines 12 and 13, by striking out the following: "by order of the court"

Amend sec. 31, page 11, line 13, by striking out the following: "on the waterworks or electric plant"

Amend sec. 31, page 11, by inserting between lines 13 and 14 the following paragraph:

"Nothing in this section shall be construed to prevent an agreement between the municipality and the owner or owners of such facilities for the payment of such value by installments."

Article II, section 32, was read as follows:

Section 32 Payment of Money into Court Writ of Possession If the owner or owners shall upon tend of the proper amount refuse to accept the same and to surrender possession of the waterworks or electric plant to the municipality the amount due shall be paid into court under such safeguards as the court may by its order require and the court shall upon application of the municipal authorities order a writ of habere facias possessionem to issue forthwith directing the sheriff to give the municipality possession of the said waterworks or electric plant

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 32, page 11, line 14, by striking out the following: "32" and inserting in lieu thereof: "31"

Amend sec. 32, page 11, lines 17 and 18, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 32, page 11, line 19, by inserting after the word "into" the following: "the"

Amend sec. 32, page 11, line 19, by inserting after the word "court" the following: "of common pleas of the county in which the greater portion of the facilities to be acquired are located."

Amend sec. 32, page 11, lines 23 and 24, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "facilities"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 33, was read as follows:

Section 33 Bond and Proceeding for Accrued Valucs Before the municipality actually enters into the possession of the waterworks or electric plant of said owner or owners it shall file a bond with the prothonotary to be approved by the court in such amount as the court shall fix conditioned that the municipality shall pay to the owner or owners any amount found to be due by reason of an increase in the value of the waterworks or electric plant between the date the value was finally determined and the time when actual possession was taken by the municipality Any such accrued valuation shall be determined by viewers in the same manner as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality and the amount of any such accrued value as finally determined shall be paid by the municipality to the owner or owners

On the question,

Will the House agree to the section?

Mr. MORNA. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 33, page 11, lines 25 to 28, by striking out all of said lines.

Amend sec. 33, page 12, lines 1 to 13, by striking out all of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article II, section 34, was read as follows:

Section 34 Financing and Indebtedness (a) For the purpose of financing the acquisition or construction of a waterworks or electric plant in accordance with the provisions of this act or the operation improvement or extension of any waterworks or electric plant so acquired or constructed any municipality may

(1) Expend public moneys and in accordance with existing law incur or increase its indebtedness

(2) Issue non-debt revenue bonds secured solely by a pledge in whole or in part of the rentals rates or charges for the service of such waterworks or electric plant Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the rentals rates or charges for the services of such waterworks or electric plant

Said bonds shall be sold and their dates of maturity and interest fixed in accordance with existing law respecting bonds of such municipality

(b) For the purpose of financing the acquisition or construction of any waterworks any municipality may issue obligations to be secured by liens on the property and works acquired or constructed Said obligations shall not pledge the credit nor create any debt nor be a charge against the general revenues of the municipality but shall be secured solely by such liens

Said obligations shall be sold and their dates of maturity and interest fixed in accordance with existing law respecting obligations of such municipality

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 34, page 12, line 14, by striking out the following: "34" and inserting in lieu thereof: "32"

Amend sec. 34, page 12, line 16, by striking out the following: "a waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 34, page 12, line 18, by striking out the following: "any waterworks or electric plant" and inserting in lieu thereof: "such facilities"

Amend sec. 34, page 12, lines 24 and 25, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "facilities"

Amend sec. 34, page 13, lines 1 and 2, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "facilities"

Amend sec. 34, page 13, line 9, by inserting after the word "constructed" the following: "in accordance with section fifteen, Article nine of the Constitution of this Commonwealth"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended.

It was agreed to.

Article III, section 40, was read as follows:

ARTICLE III

Boards of Directors Optional

(a) Municipal Authorities shall Determine

Section 40 Municipal Authorities Shall Determine Body to Manage and Operate Before the construction of a waterworks or electric plant shall be completed or before any such waterworks or electric plant shall be finally acquired by any municipality in accordance with the provisions of this act the municipal authorities shall determine whether they want the management and operation of such waterworks or electric plant to be under a department of such municipality or whether they want the same to be under a board of directors

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 40, page 13, line 20, by striking out the following: "40" and inserting in lieu thereof: "41"

Amend sec. 40, page 13, line 23, by striking out the following: "a waterworks or electric plant" and inserting in lieu thereof: "any public utility facilities"

Amend sec. 40, page 13, line 24, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 40, page 13, line 27, by striking out the following: "want" and inserting in lieu thereof: "desire"

Amend sec. 40, page 13, line 28, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "facilities"

Amend sec. 40, page 13, line 28, by inserting after the word "be" the following: "either"

Amend sec. 40, page 13, line 29, by inserting after the word "a" the following: "bureau or"

Amend sec. 40, page 13, line 29, by inserting after the word "municipality" the following: "or under the municipal authorities in such other manner as they shall provide"

Amend sec. 40, page 14, line 1, by striking out the following: "want" and inserting in lieu thereof: "desire"

Amend bill, page 14, line 4, by striking out all of said line.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 41, was read as follows:

(b) Creation of Board of Directors

Section 41 Organization of Board of Directors If the municipal authorities shall determine that the management and operation of the waterworks or electric plant is to be under a board of directors they shall incorporate and cause to be organized a board of directors to so manage and operate such waterworks or electric plant

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 41, page 14, lines 5 and 6, by striking out the following: "Section 41 Organization of Board or Directors If" and inserting in lieu thereof; indented as for a paragraph, the following: "If"

Amend sec. 41, page 14, lines 7 and 8, by striking out the following: "waterworks or electric plant is" and inserting in lieu thereof: "public utility facilities are"

Amend sec. 41, page 14, line 10, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "facilities"

Amend bill, page 14, by inserting between lines 10 and 11 the following heading: "(b) Creation of Board of Directors"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 42, was read as follows:

Section 42 Method of Incorporation Whenever

the municipal authorities shall desire to organize a board of directors under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation for such board Thereafter the municipal authorities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such municipality is located and at least one time in a newspaper published or circulated generally in such municipality Said notice shall contain a brief statement of the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed board of directors will be delivered to the Secretary of the Commonwealth

On or before the day specified in said notice the municipal authorities shall deliver to the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notices as aforesaid Said articles of incorporation shall set forth

(a) The name of the board of directors

(b) A statement that such board is created under this act

(c) The name of the incorporating municipality together with the names and addresses of its municipal authorities

(d) A brief description of the waterworks or electric plant to be managed and operated by the board

(e) The date on which the election of the first members of the board is to be held

Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

The certificate of incorporation shall be conclusive evidence of the fact that such board has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any board which shall have been formed without substantial compliance with the provisions of this section

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 42, page 15, lines 7 and 8, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 42, page 15, line 10, by inserting after the word "held" the following: "and the number of directors to be elected"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 43, was read as follows:

Section 43 Election of Directors Upon the issuance of a certificate of incorporation of the board by the Secretary of the Commonwealth the municipal authorities shall give notice during at least thirty days by weekly advertisements in a newspaper published or circulated generally in said municipality and if no newspaper be published or circulated generally therein by at least twenty printed handbills posted in the most public parts thereof of an election to be held on a day to be by them fixed for the purpose of electing the members of the board to manage and operate the waterworks or electric plant to be acquired or constructed

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 43, page 16, lines 8 and 9, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 44, was read and agreed to as follows:

Section 44 Time of Election Expense Such election shall be held at the place time and under the same regulations as provided by law for the holding of municipal or general elections The municipal authorities shall in all cases fix the time of holding such election on the day of the municipal or of the general election unless less than sixty or more than one hundred twenty days elapse between the date of issuance of a certificate of incorporation and the day of holding the said municipal or general election If any other day be fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it shall be held

Article III, section 45, was read as follows:

Section 45 Non-Party Ballot Terms The members of the board of directors shall be qualified electors of the municipality creating said board and shall be elected on a non-party ballot Five directors shall be elected two for terms of two years each and three for terms of four years each and until their successors are duly elected and qualified

The members shall take office and assume their duties immediately upon the completion of the construction or the final acquisition of the waterworks or electric plant to be managed and operated by the board but their terms shall run from the first Monday of January next succeeding such completion of construction or final acquisition Thereafter at the general or municipal election next preceding the expiration of the terms of the directors two or three directors as the case may be shall be elected for terms of four years each and until their successors are duly elected and qualified to take the place of those whose terms are about to expire Vacancies shall be filled by the municipal authorities for the unexpired term

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 45, page 16, line 25, by striking out the following: "Five" and inserting in lieu thereof: "Not less than three nor more than five"

Amend sec. 45, page 16, line 25, by striking out the following: "two" and inserting in lieu thereof: "Not less than one nor more than two directors shall be elected"

Amend sec. 45, page 16, line 26, by inserting after the word "and" the following: "not less than two nor more than"

Amend sec. 45, page 17, line 3, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 45, page 17, line 8, by striking out the following: "two or" and inserting in lieu thereof: "not less than one nor more than"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 46, was read as follows:

Section 46 Nomination of Directors Nomination of candidates may be made on petitions the form of which shall be prescribed by the municipal authorities In order to secure a valid nomination a nomination petition shall be signed by electors equal in number to at least five per centum of the highest vote cast for any office in the municipality at the last preceding municipal or general election Such nomination petitions shall be filed with the mayor or burgess at least thirty days before the election at which such nominees consent to become candidates If less than seven petitions sufficiently signed are filed with the mayor or burgess within the time herein specified the municipal authorities shall make additional nominations until the number of nominees is seven and shall then certify such nominees including all of those whose petitions are sufficiently signed to the county commissioners at least twenty days before the election

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 46, page 17, line 22, by striking out the following: "mayor or burgess" and inserting in lieu thereof: "municipal authorities"

Amend sec. 46, page 17, line 24, by inserting after the word "If" the following: "three directors are to be elected and less than five petitions sufficiently signed are filled with the municipal authorities or if five directors are to be elected and"

Amend sec. 46, page 17, line 25, by striking out the following: "mayor or burgess" and inserting in lieu thereof: "municipal authorities"

Amend sec. 46, page 17, line 27, by striking out the following: "seven" and inserting in lieu thereof; "five or seven as the case may be"

Amend sec. 46, page 18, line 10, by striking out the following: "five" and inserting in lieu thereof: "thre or five as the case may be"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 47, was read as follows:

Section 47 Conduct of Elections The county commissioners shall print the names of nominees for the board on separate official ballots without any party designation and shall furnish sufficient number of such separate ballots to each election board in the municipality for which nominated so that one ballot can be furnished to each voter Each person voting at the election at which such persons are candidates shall be entitled to vote for five of the candidates whose names appear on such ballot and the five receiving the highest number of votes shall be elected The vote of an elector shall be indicated by a cross mark (X) in the square provided opposite the name of the candidate or candidates for whom he desires to vote

It shall be the duty of the inspectors of such election to receive such ballots and to deposit said ballots in a box provided for that purpose as is provided by law in regard to other ballots received at said election and the ballot so received shall be counted and a return thereof made to the clerk of the court of quarter sessions of the proper county duly certified as is required by law together with a certified copy of the articles of incorporation and the advertisement and the said clerk shall make a record of the same and furnish a certified copy thereof under seal showing the result to the municipal authorities of such municipality and the same shall be placed of record upon the minutes thereof

In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal or general elections and the vote shall be counted by the court of quarter sessions in the manner provided by law governing municipal or general elections and all the penalties of the said election laws for the violation thereof are hereby extended to and shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 47, page 18, line 12, by striking out the following: "five" and inserting in lieu thereof: "three or five as the case may be"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 51, was read as follows:

(c) Powers of Boards of Directors

Section 51 General Powers of Board Every board of directors created under the provisions of this act shall be a body corporate and politic and shall be for the purpose of managing and operating the waterworks or electric plant acquired or constructed by the municipality creating the board Every board is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

I To have succession perpetually by its corporate name

II To sue and be sued implead and be impleaded complain and defend in all courts of the Commonwealth All actions by or against the board shall be brought in the court having jurisdiction over the municipality creating the board

III To adopt use and alter at will a corporate seal

IV To adopt by-laws to govern the proceedings of the directors and the affairs of the board to fix the time for regular meetings and to hold adjourned meetings and upon three days' written notice to each member of the board to hold a special meeting

V To appoint and employ and to dismiss at pleasure a secretary treasurer general manager attorney and such assistant attorneys superintendents experts operators workmen assistants stenographers clerks engineers surveyors laborers and employes as may be deemed necessary and proper to protect maintain improve and operate the waterworks or electric plant to fix their compensation to prescribe the amount and form of bond required of them and to approve the same

VI To maintain a principal business office which shall

be conveniently located within the territorial limits of the municipality creating the board

VII To make and execute such contracts as shall be deemed necessary and proper in the exercise of the powers and privileges granted by this act and in the performance of the duties charged upon them No contract involving an expenditure of more than five hundred dollars ($500) shall be let except to the lowest responsible bidder after due advertisement for bids

VIII To purchase such materials and supplies as may be required for keeping the waterworks or electric plant under their management in good repair and have charge of all construction repairs enlargements and extensions of such works or plant and to conduct and manage the affairs and business connected with such works or plant in accordance with law

IX To designate and appoint a suitable and responsible depository or depositories for the deposit and safe keeping of the funds of the board and to contract with such depositories with respect thereto and the rate of interest to be paid the board on such deposits and to require such depositories to give bond for the safe-keeping of deposits

X To furnish deliver supply and sell water or electrical energy to the public and to any persons associations copartnerships municipal public or private corporations and to the Commonwealth or any subdivision or agency thereof Provided however That no sale of water or electrical energy shall be made outside the corporate limits of the municipality unless the corporate authorities of the political subdivision in which such service is to be rendered consent thereto.

XI To use and occupy any public highway street or road and private and public lands necessary to be used or occupied for the maintenance and operation of its waterworks or electric plant or any part thereof subject however to such reasonable local police regulations as may be imposed by ordinance adopted by the municipal authorities of the municipality in which such highway street roads or land is located

XII To enter into contracts with companies individuals associations copartnerships or corporations for the furnishing and sale of water or electrical supplies fixtures and accessories and to fix reasonable rates to be charged therefor

XIII To examine and act upon all claims against the board to require examine and approve or disapprove monthly reports of operation and recommendations by the general manager to require examine approve or disapprove periodical reports made by the secretary and to make an annual budget

XIV To do all acts and things necessary or convenient to carry out the power granted to it by this act or any other acts

XV To connect with other waterworks or electric plants with the consent of the owner or owners thereof

Provided however That the board shall have no power at any time or in any manner to pledge the credit or taxing power of the municipality nor shall any of its obligations be deemed to be obligations of the municipality nor shall the municipality be liable for the payment of principal of or interest on such obligations

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 51, page 19, lines 16 and 17, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 51, page 20, lines 12 and 13, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: public utility facilities

Amend sec. 51, page 20, line 27, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 51, page 21, line 1, by striking out the following: "works or plant" and inserting in lieu thereof: "facilities"

Amend sec. 51, page 21, line 2, by striking out the following: "works or plant" and inserting in lieu thereof: "facilities"

Amend sec. 51, page 21, lines 11 and 12, by striking out the following: "deliver supply and sell water or electrical energy" and inserting in lieu thereof: "and render public utility service"

Amend sec. 51, page 21, lines 15 to 19, by striking out the following: "no sale of water or elec-" in line 15, and all of lines 16 and 19, and inserting in lieu thereof: "the rendering or furnishing of public utility service beyond the corporate limits of the municipality shall be subject to the approval and jurisdiction of the Pennsylvania Public Utility Commission"

Amend sec. 51, page 21, line 23, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 51, page 21, line 27, by inserting after the word "located" the following: "and subject to the approval of the Department of Highways of the Commonwealth as to any highways within its jurisdiction"

Amend sec. 51, page 21, lines 28 and 29, by striking out both of said lines.

Amend sec. 51, page 22, lines 1 and 2, by striking out both of said lines.

Amend sec. 51, page 22, line 3, by striking out the following: "XIII" and inserting in lieu thereof: "XII"

Amend sec. 51, page 22, line 8, by striking out the following: "XIV" and inserting in lieu thereof: "XIII"

Amend sec. 51, page 22, line 11, by striking out the following: "XV" and inserting in lieu thereof: "XIV"

Amend sec. 51, page 22, line 11, by striking out the following: "waterworks or electric plants" and inserting in lieu thereof "public utility facilities"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 52, was read as follows:

Section 52 Rates The board shall fix rates for water or electrical energy which shall be sufficient to operate the waterworks or electric plant in an efficient manner provide for the repair replacement and extension thereof pay the interest on any bonds or obligations issued by the municipality to finance the cost of constructing acquiring improving or operating such works or plant and provide for their retirement and all other costs and expenses properly chargeable to the operation of such works But such plants shall at all times be operated for the mutual benefit of the inhabitants of the municipality

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 52, page 22, line 19, by inserting after the word "board" the following: "or the municipal authorities if there be no board"

Amend sec. 52, page 22, line 20, by striking out the following: "water or electrical energy" and inserting in lieu thereof: "the public utility service"

Amend sec. 52, page 22, lines 21 and 22, by striking out the following "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 52, page 22, line 26, by striking out the following: "works or plant" and inserting in lieu thereof: "facilities"

Amend sec. 52, page 22, line 28, by striking out the following "works" and inserting in lieu thereof: "facilities"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 53, was read as follows:

Section 53 Collection of Rates The municipal authorities of the municipality acquiring or constructing the waterworks or electric plant shall provide by ordinance for the collection of all water or electric rates that may accrue fix the times when the same shall be payable and the penalties for non-payment Claims for such rates due may be registered in the lien docket of the municipality and may be collected in the same manner as unpaid taxes All such rates shall be collected by the board

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 53, page 23, line 5, by striking out the following: "waterworks or electric plants" and inserting in lieu thereof: "public utility facilities"

Amend sec. 53, page 23, line 6, by striking out the following: "water or electric"

Amend sec. 53, page 23, line 9, by striking out the following: "registered in the lien docket of the municipality" and inserting in lieu thereof: "filed as liens"

Amend sec. 53, page 23, line 10, by striking out the following: "unpaid taxes" and inserting in lieu thereof: "other municipal claims"

Amend sec. 53, page 23, line 11, by striking out the following "by the board" and inserting in lieu thereof: "in such manner as the municipal authorities shall provide"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, section 54, was read as follows:

Section 54 Annual Budget Surplus The board shall annually within ten days after the financial statement of the board has been filed with the municipal authorities by the auditor or controller as the case may be submit to the municipal authorities a budget for the ensuing year which shall include full estimates of the costs charges and expenses of any new work enlargement extension or alteration of the waterworks or electric plant and no such work shall be undertaken or prosecuted without the consent of the municipal authorities

All surplus in the hands of the board and not required for operating expenses of any approved new work enlargement extension or alteration of the works or plant and for reasonable reserve shall be paid over by the board to the municipal authorities for the use of the municipality

(d) Officers of Boards of Directors

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 54, page 23, line 19, by striking out the following: "waterworks or electric plant" and inserting in lieu thereof: "public utility facilities"

Amend sec. 54, page 23, lines 24 and 25, by striking out the following: "works or plant" and inserting in lieu thereof: "public utility facilities"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, sections 61 to 65 inclusively were separately read and agreed to as follows:

Section 61 Compensation of Directors Oaths Each director shall receive such salary as may be fixed by the municipal authorities of the municipality creating such board Each member of the board before entering upon the duties of his office shall take and subscribe an oath before an officer authorized to administer oaths that he will honestly faithfully and impartially perform the duties of his office and that he will not be pecuniarily interested directly or indirectly in any contract concerning the business or affairs of the board Each member of the board shall also give bond to the Commonwealth for the use of the municipality in the penal sum of twenty-five thousand dollars ($25,000) with corporate surety conditioned for the faithful and honest discharge of his duties The premium on such bonds shall be paid from the funds of the municipality The oath and bond shall be filed with the prothonotary of the court

Section 62 Organization of Board Quorum Seal Records The board shall upon assuming its duties and annually thereafter organize by the election of its members as chairman and one as vice-chairman and by electing a secretary who may or may not be a member of the board and a treasurer who may not be a member of the board The secretary and treasurer shall take and subscribe the same oath of office as the directors which also shall be filed with the prothonotary of the court Three directors shall constitute a quorum to do business and the concurrence of three directors shall be required to exercise any power or perform any duty required by this act

The board shall keep a record of all its proceedings minutes of meetings certificates contracts and all corporate acts which shall be public records open to inspection during business hours The seal of the board shall be impressed on all contracts and official documents of the board

Section 36 Duties of Chairman and Vice-Chairman The principal duties of the chairman of the board duties of the secretary shall be

I To preside at all meetings of the board

II To sign all resolutions adopted by the board

III To sign all warrants for the payment of moneys and to sign execute and acknowledge as the case may require all contracts deeds leases or other instruments authorized by the board to be executed by or on behalf of the board

In the absence of the chairman or in the case of his inability to act the vice-chairman shall perform the duties of the chairman

Section 64 Duties of Secretary The principal duties of the secretary shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful performance of the duties of his office and the payment over and accounting of all moneys belonging to the board Such bond shall be filed with the prothonotary of the court

II To act as secretary of the board and keep a correct and proper record of all the business and proceedings thereof

III To record and sign all minutes of meetings of the board including all resolutions adopted by the board

IV To keep safely and systematically all records and files of the board and at the expiration of his term turn the same over to his successor

V To draw and countersign all orders and warrants for the payment of money by the treasurer to be signed by the chairman or vice-chairman

VI To keep safely the corporate seal of the board and to affix the same to all deeds leases conveyances or other instruments required to be sealed and executed by or on behalf of the board and to all certificates made by him as secretary

VII To sign execute and acknowledge with the chairman all contracts deeds leases and other instruments required by law or authorized by the board and

VIII To perform such other duties as may be imposed on him by law or by vote or resolution adopted by the board

Section 65 Duties of Treasurer The principal duties of the treasurer shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful discharge of the duties of his office to keep a just account of all deposits and expenditures and to pay over the whole amount of the funds belonging to the board to his successor in office

II To demand receive keep and account for all moneys and credits of the board

III To pay to persons entitled thereto the amounts called for in orders or warrents drawn upon him by the secretary of the board signed by the chairman or vice-chairman and countersigned by the secretary and to keep receipts vouchers and other suitable evidences of payment thereof

IV To keep accurate account of all moneys received and disbursed by him and to render accounts statements and inventories of moneys and credits received or disbursed or on hand and

V Generally to perform such duties pertaining to his office as the board of directors may require

Article III, section 71 was read as follows:

(e) Audits

Section 71 Duties of Municipal Controller or Auditors At least sixty days prior to the adoption by any municipality creating a board of its annual budget the controller or auditors of such municipality as the case may be shall audit adjust and settle the accounts of the officers and tax collectors of the district

The controller or auditors shall prepare a statement thereof which shall contain an account of the last fiscal year and shall show a complete statement of the financial condition of the board

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 71, page 27, line 23, by striking out the following: 'tax collectors of the district" and inserting in lieu thereof: "employes of the board"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article III, sections 72 to 86 inclusively were separately read and agreed to as follows:

Section 72 Surcharges The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by law which caused a financial loss to the board of the municipality shall be a surcharge against any officer against whom such balance or shortage appears or who by vote act or neglect has permitted or approved such expenditures

Section 73 Orders and Vouchers to be Marked "Audited" All orders and vouchers which have been paid shall on their presentation to the controller or auditors be cancelled by writing the word "audited" on the face thereof

Section 74 Controller or Auditors to Advertise and File Statements in Court The controller or auditors shall complete such audit adjustment and settlement as soon as possible and shall within ten days thereafter publish a summary of the receipts and expenditures of the several officers for the preceding year once in at least two newspapers circulating generally in the municipality The controller or auditors shall also within such period of ten days file a copy of the statement with the municipal authorities the secretary of the board and also with the prothonotary of the court which copy shall be at all times subject to public inspection A copy of such statement shall also be filed with the Secretary of Internal Affairs

Section 75 Appeals from Audit It shall be lawful for the board the municipal authorities or any taxpayer of the municipality on its behalf or any officer whose account is settled or audited to appeal from the settlement or audit to the court within thirty days after the statement has been filed

Section 76 Taxpayers Appealing to Enter Bond No appeal by a taxpayer or officer shall be allowed unless the appellant shall enter into bond in the sum of five hundred dollars ($500) with sufficient surety to prosecute the same with effect and to pay all costs accruing thereon in case if the appellant be a taxpayer he shall fail to obtain a final decision more favorable to the municipality than that awarded by the controller or auditors or in case if the appellant be an officer he shall fail to obtain a final decision more favorable to the officer than that awarded by the controller or auditors

Section 77 Taxpayers May Intervene in Appeals Whenever an appeal has been taken from the report of the controller or auditors by the board of the municipal authorities or by any person charged in such report with any sum of money any taxpayer of the municipality may intervene in such appeal and either prosecute the same on its behalf or defend it against the appeal of the person so charged No taxpayer shall intervene unless he shall file in the court a bond with one or more sufficient sureties conditioned to indemnify the board against all costs accruing by reason of such intervention

Section 78 Procedure on Appeals Any person interested may order the appeal upon the argument list and evidence may be taken before any person authorized to administer oaths upon rule for that purpose served upon the opposite party In any proceeding upon an appeal from a report of the controller or auditors of any board the accounts of the officer or officers in question may be investigated de novo and the burden shall be upon each officer whose accounts are involved in the appeal of establishing by evidence from original sources his right to credits claimed by him but the opposing party in such appeal may use any facts figures or findings of the report of audit as prima facie evidence against any officer

When more than one appeal from a report of such controller or auditors shall have been taken whether by the municipality an officer or officers of the board or by a taxpayer of the municipality or any or all of them the court shall upon petition of any party interested direct the several appeals to be disposed of in a single proceeding

Section 79 Framed Issues Whenever any matter of fact is in dispute the court is authorized to frame an issue for the trial thereof

Section 80 Findings of Fact and Law Judgment After hearing the court shall file its findings of fact and law and enter judgment in accordance therewith and the judgment so entered may be enforced by any appropriate proceedings by the party prevailing

Section 81 Exceptions and Appeals Any person interested may except to the ruling of the court and may appeal therefrom to the Superior or Supreme Court as in other cases

Section 82 Balances Due to be Entered as Judgment Any balance in any report of the controller or auditors against any officer of the board shall constitute a surcharge against such officer as fully as if expressly stated in said report to be a surcharge and the amount of any balance and of any express surcharge shall be entered by the prothonotay as a judgment against such officer and in favor of the municipality The prothonotary shall enter the amount of every balance or surcharge contained in any such report as a judgment Any taxpayer of the municipality may enforce the collection thereof for the benefit of the municipality by action or execution upon filing in the court a bond with one or more sureties conditioned to indemnify the municipality from all costs which may accrue in the proceedings undertaken by such taxpayer subject however to all rights of appeal from the report of the controller or auditors granted by this act

Section 83 Attorney to Controller or Auditors The controller or auditors may employ an attorney in case of any disagreement with an official or board of officials whose accounts he is required to audit Such attorney shall not be employed until reasonable effort has been made to reach an agreement and only after notice of such contemplated employment has been given to such official or board

The compensation of such attorney shall be fixed by the controller or auditors and shall not exceed the sum of twenty dollars ($20) per day nor one hundred dollars ($100) in any case in dispute except when an appeal is taken in which case the court shall fix an additional compensation

The compensation of such attorney shall be paid by the board by warrant drawn by the controller or auditors upon the treasurer

Section 84 Controller or Auditors May Compel Attendance of Witnesses The controller or auditors shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust their executors and administrators and of any persons whom he or they may wish to examine as witnesses and to compel their attendance by attachment in like manner and to the same extent as any court of common pleas of this State may or can do in cases pending before them also to compel in like manner the production of all books vouchers and papers relative to such accounts Such subpoena may be served by any person and such attachement shall be served and executed by the sheriff of the county of the court of any constable

Section 85 Controller or Auditors May Administer Oaths Penalty The controller or auditors shall have power to administer oaths and affirmations to all persons brought or appearing before him or them whether accountants witnesses or otherwise and all persons guilty of swearing or affirming falsely on such examination shall be liable to the pains and penalties of perjury

Section 86 Persons Refusing to Testify to be Committed If any person appearing before such controller or auditors for examination shall refuse to take such oath or affirmation or after having been sworn or affirmed shall refuse to make answer to such questions as shall be put to him touching the accounts or the official conduct of such public officers or any of them such person so refusing may be committed by the controller or auditors to the county jail by warrant under his or their hand and seal directed to the sheriff or any constable of the county of the court setting forth particularly the cause of such commitment until he shall submit to be sworn or affirmed or to make answers to such questions or be otherwise legally discharged

Article III, section 87 was read as follows:

Section 87 Pay of Witnesses Witnesses other than officers of the board attending before the controller or auditors and persons or officers serving subpoenas attachments or warrants shall be paid out of the board's treasury upon orders signed by the controller or auditors and drawn on the treasury the same fees as are payable for rendering similar services in civil proceeding before a justice of the peace

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment were read by the Clerk as follows:

Amend bill, page 33, by inserting between lines 22 and 23 the following sections:

"(f) Powers of Municipalities

Section 88. Powers of Municipalities Operating Facilities. Every municipality managing and operating public utility facilities acquired or constructed under the provisions of this act shall have all the powers and perform all the duties vested in boards and the officers therefor under the provisions of this act.

Section 89. Operation of Public Utility Facilities. Every municipality acquiring or constructing public utility facilities under the provisions of this act may operate and manage such facilities through a board of directors organized and created as provided in this act, or may operate and manage such facilities, either under a bureau or department of such municipality, or in such other manner as the municipal authorities may provide.

Any municipality shall have the right to change from one system to the other upon the approval of such change by a majority of the electors of such municipality voting on a question submitted to determine the will of the electors in the manner provided by the election laws of this Commonwealth. Such question shall be submitted upon petition signed by electors equal in number to at least ten per centum of the highest vote cast for any office in the municipality at the last preceding municipal or general election and filed with the municipal authorities at least ninety days before the municipal or general election at which such question is to be submitted. The municipal authorities shall file such question with the county commissioners of the proper county at least sixty days before such election."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article IV, section 91 was read as follows:

ARTICLE IV

Miscellaneous Provisions

Section 91 Saving Clause Nothing in this act shall be construed to abridge impar or limit the powers of cities boroughs and towns under existing laws

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 91, page 33, line 27, by inserting after the word "laws" the following: "nor the powers or jurisdiction of the Pennsylvania Public Utility Commission under existing or future laws"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article IV, section 92 was read as follows:

Section 92 Constitutional Construction The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,

Will the House agree to the section?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 34, by inserting after line 8 the following section: "Section 93. Appeals. Within thirty days after service of any determination of value by the Pennsylvania Public Utility Commission under this act. unless an application for re-hearing may be pending and then within thirty days after service of an order modifying, rescinding, amending or affirming such determination, any party to the proceedings affected thereby may appeal therefrom to the Superior Court. Such court is hereby clothed with exclusive jurisdiction throughout the Commonwealth for the purpose of hearing and determining all such appeals. Provided, That in case any party is entitled to demand a jury trial under section eight of Article sixteen of the Constitution of this Commonwealth. the appeal shall be to the courts of the proper county thereof."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Table of Contents was read as follows:

TABLE OF CONTENTS

Article I Preliminary Provisions
Article II Acquisition and Construction of Municipal Waterworks or Electric Plants
Article III Boards of Directors Optional
(a) Determination by Municipal Authorities
(b) Creation of Boards of Directors Optional
(c) Powers of Boards of Directors
(d) Officers of Boards of Directors
(e) Audits
Article IV Miscellaneous Provisions

On the question,

Will the House agree to the Table of Contents?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Table of Contents, page 2, line 4, by striking out the following: "Waterworks or Electric Plants" and inserting in lieu thereof: "Public Utility Facilities"

Amend Table of Contents, page 2, by inserting between lines 10 and 11 the following: "(f) Municipal Powers"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the Table of Contents as amended?

It was agreed to.

The preamble was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

The title was read as follows:

An Act authorizing cities, boroughs and towns to construct, acquire, own, operate and control waterworks and electric plants and appurtenances thereto, and to sell and purchase water and electrical energy both within and without their corporate limits; conferring the power of eminent domain; conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof; providing for the incorporation and election of a board of directors to operate and manage such works, and defining its powers and duties; and prescribing penalties.

On the question,

Will the House agree to the title?

Mr. MORAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the following: "and towns" and inserting in lieu thereof: "towns and townships"

Amend title, page 1, line 2 of title, by striking out the word "and" where it first appears in said line.

Amend title, page 1, lines 2 to 4 of title, by striking out the following: "waterworks and electric plants" in line 2, and all of lines 3 and 4, and inserting in lieu thereof: "sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricy, steam or water, or the collection, disposition or treatment of sewage, and to furnish or render such services to the public within or beyond"

Amend title, page 1, line 5 of title, by inserting after the word "limits" the following: "or both"

Amend title, page 1, line 6 of title, by inserting after the word "certain" the following: "powers and"

Amend title, page 1, line 8 of title, by inserting after the word for the following: "and authorizing"

Amend title, page 1, next to last line of title, by inserting after the word "duties" the following: "conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION.

Mr. ACHTERMAN. Mr. Speaker, I ask consent of the House to hold a very brief meeting of the Committee on State Government during the session of the House.

The SPEAKER. Will the House give its consent for the Committee to meet during the session?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman,

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask what is the purpose of the meeting?

Mr. ACHTERMAN. Mr. Speaker, for the purpose of considering one bill that has numerous amendments, the desire to report it out, have it printed and back into the Committee for further study.

Mr. TURNER. Mr. Speaker, I have no objection.

The SPEAKER. The Chair hears no objection and consent is granted.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1897, entitled:

An Act Authorizing the Governor to enter into compacts with the Governors of certain other States and possessions of the United States relative to the producing of tobacco

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOOD. Mr. Speaker and members of the House. House Bill No. 1897 and 1898 which is the next bill on the calender are companion bills and should be considered together as one is no good without the other.

I just want to tell the members of this House that the farmers of Lancaster County, and they grow between 85 and 90 per cent of the tobacco in Pennsylvania are opposed to this Tobacco Compact and Commission Bill by a big majority. This was clearly demonstrated by the large crowd which was in attendance at the public hearing which was held before the Agriculture Committee two weeks ago at which over 1000 farmers were in attendance and all were opposed to these bills with the exception of about 40 people.

When 1000 farmers leave home and let their work stand idle for a day during these busy days on a farm to come to Harrisburg to protest against the passage of these bills, it shows that they are vitally interested in their future welfare. Also several meetings were held at various places in Lancaster County during the last two weeks and they were overwhelmingly opposed to crop control and regulation.

Being a farmer myself and in touch daily with the tobacco farmers and his troubles if I thought for one minute that the majority of farmers would be benefited by such a commission and that they wanted such a plan I would be one of its most enthusiastic supporters.

The farmers have made Lancaster County one of the most successful farming districts in the nation by using their good judgment, hard work, long hours and by careful and economical stewardship.

It has taken 200 years to build up their farms to the high state of production they are at the present time. The only reason that they have a tobacco market today is because by hard work they have built up their farms to high production and have developed a tobacco of excellent quality. If you make the price high enough you will encourage other people to start to grow it and we can easily lose the market to other countries who have cheap labor and cheap land as happened in the case of cotton when they destroyed part of the crop in the South. Brazil and other countries started to grow more cotton and so today we have lost the market forever as they can raise it more cheaply because of cheap labor and cheap land.

In 1929 and 1930 when tobacco was selling at 3 to 4 cents per pound the farmers of Lancaster County reduced the acreage of tobacco by 14,000 acres which goes to show that they were reducing the crop voluntarily in an effort to get better prices and also that the farmers will regulate their production according to the law of supply and demand.

Mr. Speaker and members of the House, I respectfully ask you to defeat this bill as it is setting a dangerous precedent because if compulsary crop reduction is good for tobacco it is equally good for potatoes, grapes, corn, etc.

Also you are trying to force something on the farmers that they do not want.

Mrs. HORTING. Mr. Speaker, I rise in support of these measures. I contend that when conditions affect a great many people to their hurt and when they are powerless to do anything to remedy those conditions because they are maintained by the will of others, then those conditions become social problems and it is then time for government to take a hand. Such a situation has arisen in connection with the tobacco raising industry of Pennsylvania. The opponents of this bill would tell you that we are interfering with the freedom of the individual farmer of Pennsylvania, because my friend from Lancaster County has said that we are interfering with the farming of Lancaster County.

I submit to you the words of President Roosevelt uttered less than a year ago in Milwaukee when he said that "freedom and opportunity do not mean license to push other people down." That is the result that will be accomplished if we allow our farmers to increase production until the production surpasses consumption. I fail to understand the position taken by my good friend from Lancaster County. This bill was taken as a leaf from the Republican platform of 1932. I should like to read from that platform: "Farm distress in America has its roots in the enormous expansion of agricultural production during the war. The fundamental problem of American agriculture is the control of production to such volume as will balance supply with demand. A third element equally vital is the control of the acreage of land under cultivation as an aid to the efforts of the farmer to balance production."

I ask the membership of this House to support these bills.

Mr. TROUT. Mr. Speaker and members of the House, I hesitate to rise in opposition to these bills especially after being sponsored by my good friend, the lady from Lancaster. I had not discovered that these bills were on the calendar until a few days ago, when the lady from Lancaster, Mrs. Horting, called my attention to them. But, seriously, members of the House, I wish to call your attention to the fact that in the 1935 Session of the Legislature a resolution was passed by the Senate and House, signed by the

Governor, creating a commission known as the Inter-State Cooperation Commission. That commission was appointed and I understand has been functioning. A preliminary report of this commission was placed on your desks just a few days ago. Senate Bill No. 52 was recently passed by the Senate and the House and signed by the Governor on March 24, 1937, making permanent the Pennsylvania Commission on Inter-State Cooperation, as well as the Committee on Inter-State Cooperation of the Senate and the House of Representatives. This commission is composed of five members from the House, five from the Senate and five from the Executive Department. Similar commissions have since been created and are functioning in the states of Ohio, New Jersey, West Virginia and Kentucky. Until these commissions have had an opportunity of studying the relations between their respective states and Pennsylvania, so far as the production of tobacco is concerned, I feel that this legislation should not be passed.

Mr. Speaker, I should like to interrogate the lady from Lancaster, Mrs. Horting.

The SPEAKER. Will the lady from Lancaster permit herself to be interrogated?

Mrs. HORTING. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, on page 4 the districts into which the tobacco producing territory of Pennsylvania is divided,—will the lady from Lancaster tell me on what basis those districts were determined?

Mrs. HORTING. Mr. Speaker, in answer to the question of the gentleman from Lancaster, I will say that those districts were divided so that each one would be composed of fifteen hundred producers. I might further add that they were also planned geographically in so far as that was possible.

Mr. TROUT. Mr. Speaker and members of the House, if you will turn to page 4 and take district No. 1 you will find that Dauphin County, Clinton County, Lycoming County, Bradford County, Tioga County, Juniata county as counties are classed with East Hempfield Township, West Hempfield Township and so forth in Lancaster County; district No. 2 is York County, and those other townships in Lancaster County; district No. 3 Lebanon County, Berks County and other townships in Lancaster County, indicating definitely that this legislation is primarily Lancaster County legislation.

Now, I think that the Representatives and members of the House representing the second Legislative district, which takes in the farming territory of Lancaster County, as well as a number of boroughs, are intimately acquainted with the farming conditions of Lancaster County; we know our people, we were reared among them and we know their desires and we know their ability as farmers. If I for a moment thought that the majority of the farmers of Lancaster County desired this legislation, regardless of what the Republican platform was in 1932, or the Democratic platform in 1934 or in 1936—if I thought for a moment that the farmers of Lancaster County desired this legislation, that it would be a benefit to them, I want to say to you that there isn't anything that I would rather do than support the bills sponsored by the lady from Lancaster, Mrs. Horting. I have been over every section of the county and I have been unable to find farmers of any section who are in favor of this bill, and I want to say, members of the House, in the language of the good old Mennonite preacher who appeared at the hearing, "The only things that the farmers of Lancaster County want are sunshine, rain and the blessing of God as they will take care of the rest of it."

Mrs. HORTING. Mr. Speaker and members of the House, I have just one further thought. I would like to call the attention of the membership of the House to page 6 at the bottom. This matter is put back into the hands of the farmers themselves if fifteen percent of the farmers call for a referendum, and that referendum must be held within sixty days, and if just one-third of the producers of the State vote against the bill, the bill will be inactive for the following crop year. I feel that we can all go to bat for this bill since we put it back into the hands of the farmers themselves. It was entirely with them.

Mr. TROUT. Mr. Speaker, I would like to interrogate the lady from Lancaster, Mrs. Horting.

The SPEAKER. Will the lady from Lancaster permit herself to be interrogated?

Mrs. HORTING. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, I should like to ask the lady from Lancaster if this bill is passed by the House and Senate when it will become effective.

Mrs. HORTING. Mr. Speaker, it will not become effective until the Ohio Legislature passes a similar bill. Incidentally the Ohio House of Representatives passed such a bill by a vote of one hundred sixty-six. I have been in constant communication with Ohio and I have received a telegram from them, on the evening of the 28th after the session closed, in which they said that the bill fell by the wayside in the rush of last minute legislation, but there was no reason to suppose it would not be brought up as a matter of business at a special session, and if that happened, Pennsylvania would be without such a law on its statute books while Ohio would have it.

Mr. TROUT. Mr. Speaker, I understand that this bill did not pass the Ohio Senate. Is that correct?

Mrs. HORTING. Mr. Speaker, it was not presented to the Senate.

Mr. TROUT. Mr. Speaker, I thought possibly in Ohio they had one of those reactionary Senates.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Fitch,	Mooney,	Shugarts,
Allen,	Ganser,	Moran,	Siegel,
Allmond,	Gorski,	Munley,	Simon,
Arnold,	Hamilton, F. P.,	Murrin,	Skale,
Aukerman,	Harkins,	Nagel,	Smith, James A.,
Baine,	Hering,	O'Brien,	Smith, John A.,
Baker, J. J.,	Hess,	O'Connor,	Spengler,
Bierly,	Hindman,	O'Keefe,	Stank,
Blank,	Hirsch,	Ominsky,	Thomas,
Bohn,	Holland,	O'Neill,	Thompson,
Boies,	Holstrom,	Ostroff,	Toole,
Boltz,	Hontz,	Patterson, C. S.,	Tronzo,
Brancato,	Horting,	Pearson,	Tumelty,
Brigerman,	Jirolanio,	Piole,	Vallibus,
Broad,	Keenan,	Powers,	VanSickle,
Brown,	Kroll,	Preston,	Vogt,
Brownfield,	LaRue,	Readinger,	Wagner,
Caesar,	Lewis,	Reese,	Walsh,
Cohen, H. B.,	Lopresti,	Reising,	Weiss, D. H.,
Coolahan,	Lovett,	Richter,	Weiss, S. A.,
Corrigan,	Marino,	Robinson,	Welliver,
Costanzo,	McArdle,	Ruffennach,	Welsh,
Decker,	McCullough,	Sarraf,	Westrick,
DeNote,	McDermott,	Scanlon,	Whalen,
Dickinson,	McElroy,	Schor,	Whitenight,

Donohoe,	McGee,	Schrope,	Wright,
Dougherty,	McShane,	Shaw,	Yanoshat,
Downey,	Melchiorre,	Shea,	Yourishin,
Elpern,	Mellott,	Shepard,	Zappala,
Falkenstein,	Mihm,	Shoemaker,	Furman,
Finnerty,	Mcomaw,		

NAYS— 53

Atkins,	Kelso,	Rothenberger,	Trout,
Baker, F. T.,	Kline,	Royer,	Turner,
Boose,	Leisey,	Schrock,	VanAllsburg,
Boyer,	Longaker,	Schumacher,	Wall,
Cadwalader,	Lyons,	Serrill,	Wampole,
Davies,	Mallen,	Sloan,	Watkins,
Eckels,	McDevitt,	Snyder,	Webster,
Gillette,	McKinney,	Sproul,	Weidemann,
Habbyshaw,	Merrell	Stackpole,	Wilson,
Hall,	Moul,	Stewart,	Winner,
Hamilton, R. S.,	Muir,	Stockham,	Wood,
Huntley,	Peale,	Strode,	Woodside,
Imbrie,	Perry,	Terry,	Yeakel,
Kane,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1898, entitled:

An Act to provide for the supervision and regulation of the production of tobacco to create a tobacco commission and provide for local tobacco committeemen and other agencies and employes and to define and to provide for their functions duties and powers to provide for the appointment compensation costs and expenses of said commission and of committeemen agencies and employes thereof to provide for the raising of funds for the administration of this act and for the disposition of the revenue hereunder to provide a fund to compensate tobacco producers for crop failures and losses from fire to impose penalties for violation of this act and to provide for the cooperation of the Commission with commissions of certain other states and possession of the United States for the purpose of uniformly regulating and controlling the production of tobacco in this State and each of such states and possessions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127

Achterman,	Dyson,	McDermott,	Schrope,
Allen,	Falkenstein,	McElroy,	Shaw,
Allmond,	Finnerty,	McGee,	Shepard,
Arnold,	Fitch,	McShane,	Shoemaker,
Aukerman,	Flannery,	Melchiorre,	Shugarts,
Baine,	Ganser,	Mellott,	Siegel,
Baker, J. J.,	Gerard,	Mihm,	Simon,
Balthaser,	Gorski,	Moomaw,	Skale,
Bierly,	Haberlen,	Mooney,	Smith, James A.,
Blank,	Hagerty,	Moran,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Manley,	Spengler,
Boies,	Harkins,	Murrin,	Stank,
Boltz,	Harmuth,	Nagel,	Thomas,
Brancato,	Hays,	O'Brien,	Thompson,
Brigerman,	Hering,	O'Connor,	Toole,
Broad,	Hess,	O'Keefe,	Tronzo,
Brown,	Hetrick,	Ominsky,	Tumelty,
Brownfield,	Hindman,	O'Neill,	Valibus,
Caesar,	Hirsch,	Ostroff,	Vogt,
Cohen, H. B.,	Holland,	Patterson, C. S.,	Wagner,
Cohen, R. E.,	Holstrom,	Pearson,	Weiss, D. H.,
Coleman,	Hontz,	Piole,	Weiss, S. A.,
Coolahan,	Horting,	Powers,	Welliver,
Corrigan,	Keenan,	Preston,	Welsh,
Costanzo,	Kilroy,	Readinger,	Whalen,
Decker,	Kroll,	Reese,	Whitenight,
DeNote,	LaRue,	Reising,	Wright,
Dickinson,	Long,	Richter,	Yanoshat,
Donohoe,	Lopresti,	Robinson,	Yourishin,
Dougherty,	Marino,	Ruffennach,	Zappala,
Downey,	McArdle,	Sarraf,	Furman,
Dubbs,	McCullough,	Schor,	

NAYS— 55

Atkins,	Imbrie,	Peale,	Terry,
Baker, F. T.,	Kelso,	Perry,	Trout,
Boose,	Kline,	Rothenberger,	Turner,
Boyer,	Leisey,	Royer,	VanAllsburg,
Cadwalader,	Longaker,	Schrock,	Wall,
Davies,	Lovett,	Schumacher,	Wampole,
Eckels,	Lyons,	Serrill,	Watkins,
Elpern,	Mallen,	Sloan,	Webster,
Fiss,	Matthews, J. F.,	Snyder,	Weidemann,
Gillette,	McDevitt,	Sproul,	Wilson,
Habbyshaw,	McKinney,	Stackpole,	Winner,
Hall,	Merrell,	Stewart,	Wood,
Hamilton, R. S.,	Moul,	Stockham,	Woodside,
Huntley,	Muir,	Strode,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. SHUGARTS. Mr. Speaker, I desire to call up at this time House Bill No. 621, Printer's No. 788, on page 27 of today's calendar, bill on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SHUGARTS.

The House resumed the consideration on third reading of House Bill No. 621, entitled:

An Act relating to the business of painting paperhanging and decorating defining regulating and providing for the licensing of contractors engaged in such business and for the revocation of such licenses subject to appeal and creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry

On the question recurring,

Shall the bill pass finally?

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the gentleman from Clearfield, Mr. Shugarts.

The SPEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. SHUGARTS. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, I would like the gentleman from Clearfield to tell us what is the purpose of licensing paperhangers and painters?

Mr. SHUGARTS. Mr. Speaker, the purpose of this bill is to protect legitimate, honest painting and paperhanging contractors. A condition has arisen in the past five or six years in the painting industry and the paperhanging industry whereby any Tom, Dick and Harry may hold himself out as a painter or paperhanger. They bid on a job. They don't even have ladders of their own, but they borrowed them from the fire company. A lot of people have been taken in by just such people as these and the consequences are the job may look all right untill three or four months have passed, and I have absolute personal knowledge that that is true, when they find that they have been gipped.

Mr. TUMELTY. Mr. Speaker, will the gentleman from

Clearfield explain what will be necessary to become a licensed paperhanger or painter?

Mr. SHUGARTS. Mr. Speaker, it is necessary to pass the qualifications?

Mr. TUMELTY. Mr. Speaker, has the gentleman from Clearfield any idea of what the qualifications might be?

Mr. SHUGARTS. Yes, I have, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, will the gentleman from Clearfield tell us what they are?

Mr. SHUGARTS. Mr. Speaker, he would be required to have knowledge of painting, a knowledge of mixing paints, for instance —

Mr. TUMELTY. Mr. Speaker, does the gentleman from Clearfield have any idea what the examination to become a beautician is like since they became State regulated.

Mr. SHUGARTS. Mr. Speaker, I never took the examination.

Mr. TUMELTY. Mr. Speaker, I do not think that anybody that was a barber that got his license could, and I think the same thing applies to this painters bill, I do not believe that there is any regulation in this bill to show what they would have to do in order to get a license.

Will the gentleman try to tell us just what they would have to do to pass the examination to get a license?

Mr. SHUGARTS. Mr. Speaker, they would have to serve an apprenticeship as a painter or paperhanger.

Mr. TUMELTY. And, Mr. Speaker, what does that apprenticeship of a painter consist?

Mr. SHUGARTS. Mr. Speaker, what the apprenticeship of any trade consist of?

Mr. TUMELTY. Mr. Speaker, apparently the gentleman has interrogated me, and so I would like to answer by saying as far as I know, there are about five or ten different kinds of painters, grainers, enamelers, red letters, and every one of these men is efficient in his own line. How is he going to class them? How is he going to license them? What is it all about?

Mr. SHUGARTS. Mr. Speaker, we are going to license the contractor. The contractor in turn hires these grainers or whatever you want to call them.

Mr. TUMELTY. Mr. Speaker, I do not believe that this is a good bill for the simple reason, as I stated before, that there are all kinds of contractors in the painting business and there are all kinds of contractors in the paperhanging business. Now, I have watched in my time various trades, as I call them, sneak themselves into what they called professions. I have watched undertakers, I have watched barbers, I have watched beauticians, I have watched all of these people right down the line all come in and get licensed and I will even include in that statement, so that nobody will be jealous about it, real estate men. They did come in under the line and set up an examination to keep other people out for no other reason, and they made the examination so tough that a fellow couldn't pass it.

In order to be a paperhanger, and I have done some paperhanging myself, you need paper and paste and a brush and a pair of scissors and a certain amount of common sense. If you get stuck in the paper it is your own fault because you certainly can look at the paper that the man is going to put on the wall before he puts it on there. I do not think that giving a fellow a license is going to make him a better paperhanger. So far as contractors are concerned you can make them give a completion bond, you can make them give a bond to live up to specifications and if they do not live up to them you can go after the bonding company. I do not believe that we should license paperhangers and painters. For goodness sake give us a chance to do something without having to pay the State for the right to do it.

Mr. SHUGARTS. Mr. Speaker and members of the House, I do not intend to speak at length on this bill, but my friend from Philadelphia, Mr. Tumelty, brought up a point to which I wish to refer. He said that there are all kinds of contractors in the painting business. That is one reason why I introduced this bill because there are all kinds of contractors and a lot of them are illegitimate contractors. They are not good contractors. It is a protection to the public. If a man should get his house painted or his paper hung the contractor is responsible, and if the job does not hold up to specifications he will lose his license.

With that I ask the membership of the House to vote as their conscience dictates and I will be satisfied with the result.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—56

Aukerman,	Holland,	Powers,	Thomas,
Bohn,	Holstrom,	Preston,	Toole,
Broad,	Kline,	Reese,	Tronzo,
Coolahan,	Long,	Reising,	Turner,
Costanzo,	Longaker,	Robinson,	VanSickle,
Decker,	McArdle,	Rush,	Wagner,
DeNote,	McCullough,	Sarraf,	Weidemann,
Downey,	McDermott	Scanlon,	Weiss, D. H.,
Dubbs,	McKinney,	Schor,	Weiss, S. A.,
Eckels,	Melchiorre.	Shaw,	Whalen,
Falkenstein,	Mihm,	Shea,	Winner,
Hamilton, F. P.,	Moran,	Shugarts,	Wright,
Hess,	O'Brien,	Sloan,	Yourishin,
Hindman,	O'Keefe,	Terry,	Zappala,
Hirsch,	Piole,		

NAYS—85

Allmond,	Flannery,	Lovett,	Skale,
Arnold,	Ganser,	Marino,	Smith, James A.,
Baine	Gerard,	Matthews, J. F.,	Smith, John A.,
Baker, F. T.,	Gillette,	McGee,	Snyder,
Baker, J. J.,	Gorski,	McShane,	Spengler,
Balthaser	Habbyshaw,	Merrell	Stackpole,
Bierly,	Haberlen,	Moomaw,	Stank,
Blank,	Hagerty,	Mooney,	Stewart,
Boles,	Hall,	Muir,	Stockham,
Boltz,	Hamilton, R. S.,	Munley,	Strode,
Boose,	Harmuth,	O'Connor,	Thompson,
Boyer,	Hays,	Peale,	Trout,
Bradley,	Hering,	Pearson,	Tumelty,
Brigerman,	Hetrick,	Perry,	VanAllsburg,
Brown,	Hontz,	Readinger,	Wall,
Burrows,	Horting,	Richter,	Walsh,
Caesar,	Huntley,	Rothenberger,	Wampole,
Cohen, H. B.,	Imbrie,	Royer,	Welliver,
Coleman,	Jirolanio,	Ruffennach,	Welsh,
Corrigan,	Kane,	Schrock,	Westrick,
Davies,	Kelso,	Schumacher,	Wilson,
Donohoe,	Kilroy,	Serrill,	Wood,
Dougherty,	Kroll,	Shepard,	Woodside,
Elpern,	LaRue,	Shoemaker,	Yanoshat,
Finnerty,	Leisey,	Siegel,	Yeakel,
Fitch,	Lopresti,	Simon,	Furman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative, and the bill falls.

BILL ON SECOND READING

Mr. BLANK. Mr. Speaker, I desire to call up at this time

House Bill No. 1282, Printer's No. 784, on page 26 of today's calendar, bill on second reading postponed.

Agreeably to order,

The bill having been called up from the posponed calendar, by Mr. BLANK and

The rule requiring bills to be considered in Committee of the Wholebeing in this case dispensed with,

The House resumed the consideration on second reading of House Bill No. 1282, entitled:

An Act to further amend the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery to licensees of other states requiring annual renewals of osteopathic surgeons' licenses fixing fees extending the functions and authority of osteopathic physicians and surgeons and prescribing additional penal provisions

The SPEAKER. The Chair desire to state for the information of the House when this bill was before the House on second reading, section 1 was read and agreed to, section 2 was agreed to as amended, section 3 was read and agreed to. We were considering section 4; Mr. Shea offered amendments, when a motion was made that the bill together with the amendments be placed upon the postponed calendar.

On the question recurrring,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN.

Mr. SHEA. Mr. Speaker, I desire to withdraw my amendments to section 4.

On the question recurrring,

Will the House agree to the section?

It was agreed to.

The fifth ,fifteenth and sixteenth sections and title were separately read and agreed to as follows:

Section 5 Section fourteen of said act as amended by section five of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 795) is hereby further amended to read as follows

Section 14 On and after the approval of this act the State Board of Ostepathic Examiners shall refuse to grant a license to an applicant to practie osteopathy in this State and is empowered to revoke a license conferring on a person the right to practice osteopathy upon the presentation to said State Board of Osteopathic Examiners of a court record showing the conviction in due course of law of said person for procuring aiding or abetting in producing a criminal abortion or miscarriage by any means whatsoever The State Board of Osteopathic Examiners upon such evidence and proof shall cause the name of said convicted licentiate to be removed from the record in the office of any prothonotary in the State The State Board of Osteopathic Examiners may refuse revoke or suspend the right to practice osteopathy in this State upon any or all of the following reasons to wit The conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs intellection and judgment to such an extent as to incapacitate the performance of professional duties the violation of the practice of the principles of the system of osteopathy as defined in this act misrepresentation unethical conduct or misleading or fraudulent advertising in the practice as determined by the board Any person who is a licentiate under this act or who is an applicant for examination for licensure to practice ostepathy in this State against whom any of the foregoing charges are preferred for causing the revocation or suspension of license or for causing the refusal of the right to be examined for licensure shall be furnished by the State Board of Osteopathic Examiners with a copy of the complaint and shall have a hearing before said board in person or by attorney and witnesses may be examined by said board respecting the guilt or innocence of said accused The suspension of license of any licentiate under this act shall be removed when said narcotic or vicious habit hereinbefore specified shall have been adjudged by the proper authorities to be cured or overcome and said suspended licentiate deemed again capable of practicing the healing art

Section 15 All acts or parts of acts inconsistent with this act are hereby repealed

Section 16 This act shall become effective upon final enactment

An Act to further amend the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery further defining osteopathy providing for issuing licenses to perform operative surgery to licensees of other states requiring annual renewals of osteopathic surgeons' licenses fixing fees extending the functions and authority of osteopathic physicians and surgeons and prescribing additional penal provisions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

BILLS PASSED OVER

There being no objection House Bill No. 2126, Senate Bill No. 65, Printer's No. 410 was passed over at the request of Mr. HERBERT B. COHEN.

Mr. TURNER. Mr. Speaker, in view of the fact that we have just passed the Moran bill, which would seem to me to cover the same subject, I would ask that this bill be passed over in its order.

There being no objection House Bill No. 2187, Senate Bill No. 678, Printer's No. 421 was passed over at the request of Mr. TURNER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2172, (Senate Bill No. 639), entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for

purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint, the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases, providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases, providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Spengler,
Baker, F. T.,	Hagerty,	Mooney,	Sproul,
Baker, J. J.,	Hall,	Moran,	Stackpole,
Balthaser	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Brigerman,	Holland,	Ostroff,	Tumelty,
Broad,	Holstrom,	Patterson, C. S.,	Turner,
Brown,	Hontz,	Peale,	Vallbus,
Brownfield,	Horting,	Pearson,	VanAllsburg,
Burrows,	Huntley,	Perry,	VanSickle,
Cadwalader,	Imbrie,	Piole,	Vogt,
Caesar,	Jirolanio,	Powers,	Wagner,
Caputo,	Kane,	Preston,	Wall,
Chervenak,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	LaRue,	Rothenberger,	Weiss, D. H.,
Costanzo,	Leisey,	Royer,	Weiss, S. A.,
Davies,	Levy,	Ruffennach,	Welliver,
Decker,	Lewis,	Rush,	Welsh,
DeNote,	Long,	Sarraf,	Westrick,
Dickinson,	Longaker	Scanlon,	Whalen,
Donohoe,	Lopresti,	Schor,	Whitenight,
Dougherty,	Lovett,	Schrock,	Wilson,
Downey,	Lyons,	Schrope,	Winner,
Dubbs,	Mallen,	Schumacher,	Wood,
Dyson,	Marino,	Serrill,	Woodside,
Eckels,	Matthews, J. F.,	Shaw,	Wright,
Elpern,	McArdle,	Shea,	Yanoshat,
Falkenstein,	McCullough,	Shepard,	Yeakel,
Finnerty,	McDermott,	Shoemaker,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flannery,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2224, (Senate Bill No. 756), as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulaiton of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" be amended by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority so that the amended section will read as follows

Section 209 Penalty for Acting Without Certificate of Authority Any insurance company association or exchange doing an insurance business within this Commonwealth without a certificate of authority as required by this act shall forfeit and pay to the Commonwealth the sum of five hundred dollars for each month or fraction thereof in which such illegal business was transacted

Any person negotiating or soliciting any policy of insurance or suretyship in this Commonwealth collecting or forwarding premiums or delivering policies for any company association or exchange to which a certificate of authority has not been granted shall be deemed to be the agent of the company association or exchange in any legal proceeding brought against it

Section 209A Penalty For Exceeding Powers Granted Under Certificate of Autority Any insurance company association or exchange doing an insurance business within this Commonwealth that shall exceed the powers granted under a certificate of authority shall forfeit and pay to the Commonwealth a sum of not more than five hundred dollars ($500) for each and every policy issued in violation of this section Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the company association or exchange accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten (10) days thereafter when a hearing of the matter shall be held After such hearing or failure of theaccused to appear at such hearing the Insurance Commissioner shall impose such penalty as he deems advisable.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—148

Achterman,	Elpern,	McArdle,	Schor,
Allen,	Falkenstein,	McCullough,	Schrope,
Allmond,	Finnerty,	McDermott,	Shaw,
Arnold,	Fitch,	McElroy,	Shea,
Aukerman,	Flanagan,	McGee,	Shepard,
Baine	Flannery,	McShane,	Shoemaker,
Baker, J. J.,	Flinchbaugh,	Melchiorre	Shugarts,
Balthaser,	Ganser,	Mellott,	Siegel,
Bierly,	Gerard,	Mihm,	Simon,
Blank,	Gorski,	Moomaw,	Skale,
Bohn,	Haberlen,	Mooney,	Smith, James A.
Boies,	Hagerty,	Moran,	Smith, John A.,
Boltz,	Hamilton, F. P.,	Moul,	Spengler,
Bradley,	Harkins,	Munley,	Stank,
Brancato,	Harmuth,	Murrin,	Thomas,
Brigerman,	Hays,	Nagel,	Thompson,
Broad,	Hering,	O'Connor,	Toole,
Brown,	Hess,	O'Keefe,	Tronzo,
Brownfield,	Hetrick,	Ominsky,	Tumelty,
Burrows,	Hindman,	O'Neill,	Valibus,
Caesar,	Hirsch,	Ostroff,	VanSickle,
Caputo,	Holland,	Patterson, C. S.,	Vogt,
Chervenak,	Holstrom,	Pearson,	Wagner,
Cohen, H. B.,	Hontz,	Piole,	Walsh,
Cohen, R. E.,	Horting,	Powers,	Weiss, D. H.,
Coleman,	Jirolanio,	Preston,	Weiss, S. A.,
Coolahan,	Keenan,	Readinger,	Welliver,
Corrigan,	Kelso,	Reese,	Welsh,
Costanzo,	Kilroy,	Reising,	Westrick,
Decker,	Kroll,	Richter,	Whalen,
DeNote,	LaRue,	Robinson,	Whitenight,
Dickinson,	Levy,	Rothenberger	Wright,
Donohoe,	Lewis,	Ruffennach,	Yanoshat,
Dougherty,	Long,	Rush,	Yourishin,
Downey,	Lopresti,	Sarraf,	Zappala,
Dubbs,	Lovett,	Scanlon,	Furman,
Dyson,	Marino,		

NAYS—50

Atkins,	Imbrie,	Perry,	Trout,
Baker, F. T.,	Kane,	Royer,	Turner,
Boose,	Kline,	Schrock,	VanAllsburg,
Boyer,	Leisey,	Schumacher,	Wall,
Cadwalader,	Longaker,	Serrill,	Wampole,
Davies,	Lyons,	Sloan,	Watkins,
Eckels,	Mallen,	Snyder,	Webster,
Fiss,	Matthews, J. F.,	Sproul,	Weidemann,
Gillette,	McDevitt,	Stackpole,	Wilson,
Habbyshaw,	McKinney,	Stewart,	Winner,
Hall,	Merrell,	Stockham,	Wood,
Hamilton, R. S.,	Muir,	Strode,	Woodside,
Huntley,	Peale,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 1155, Printer's No. 806, was passed over at the request of Mr. VAN SICKLE.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1839, as follows:

An Act to define the power of the Supreme and Superior Courts in declaring laws enacted by the General Assembly to be unconstitutional

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter neither the Supreme Court nor the Superior Court of this Commonwealth shall have any power or jurisdiction to declare invalid as offending any provisions of the Constitution of this Commonwealth or any law or part thereof heretofore or hereafter enacted by the General Assembly of this Commonwealth unless six judges of said court shall concur in the decision holding such law or part thereof unconstitutional

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. BROWN. Mr. Speaker and members of the House, I realize that the hour is very late. Yet I believe this is a very important bill. I rise to oppose it, not to ask anybody to agree with men, particularly do I want the sponsor to feel that I hold him in the highest regard. I do not choose to discuss this bill with relation to the hysteria that is going over the country now about the courts or whether or not it is a good thing for the Legislature to set itself up as the authority as to how it shall tell the courts when our laws are unconstitutional. I should like rather to discuss this bill briefly from the standpoint of the law and the law only. The Constitution of the State of Pennsylvania in Article II, section 1, provides that the Legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and House of Representatives. In Article V of the Constitution, section 1, the judicial power of this Commonwealth shall be vested in a Supreme Court, etc. Much has been written on the question of the encroachment of the Legislature on the power of the judiciary, and the same with reference to the judiciary upon the Legislature. But I think one thing stands out permanently in our law in that in no place in our law has there been sustained the encroachment of one branch of our government upon the other.

The independence of the judiciary has been the one outstanding feature in our American government, and I say to you, Mr. Speaker and members of the House, that House Bill No. 1839 is an attempt to encroach upon the power of the judiciary, and that power is given solely to the judiciary under the Constitution, regarding which the Legislature can have no interference whatsoever. This bill has been amended and in its very title it betrays its own significance. It says "To define the power." I call upon the sponsor to show me how the Legislature can define the power of the Supreme Court, when the judicial power has been given under the Constitution to the Supreme Court and the other courts created by the amendment, and to them alone. If the Legislature can say to the Supreme Court, "You can only declare that law unconstitutional by a vote of six judges," the Legislature can likewise say to the Supreme Court, "You cannot declare a law unconstitutional at all," and I submit to you that nowhere in our whole system can you find anything to sustain such a contention.

I ask the sponsor also, if this bill is enacted into law how will the Supreme Court act upon it. Can the Supreme Court then act upon it in a four to three decision, or will the Supreme Court then be bound by this very bill, by a six to one decision.

I am not going to cite many cases because as I say the text books are voluminous and the reports likewise, on this matter of encroachment of one department of the

government upon the other, but I should like to call your attention to a famous case in which one of the great Chief Justices of this Commonwealth, Mr. Chief Justice Black, in Sharpless versus the Mayor of Philadelphia, 21 Pa. 147, laid down this significant precedent: "The General Assembly, therefore, cannot pass any law to conflict with the rightful authority of Congress nor perform a judicial or executive function, nor violate the popular priviledges reserved by the Declaration of Rights, nor change the organic structure of the government nor exercise any other power prohibited in the Constitution."

I submit that nowhere in the Constitution is there given the power to any court to declare the laws of this State unconstitutional. Yet I think that Chief Justice Black hits the thing directly on the head when he says, "The General Assembly cannot change the organic structure of the government." The power of the court by its own rule, by its own decisions, and by its own vote is so inherent in the organic structure of our government that the Legislature cannot interfere with that power.

Therefore, Mr. Speaker and members of the House, I am voting against this bill because I clearly feel that the bill is unconstitutional, it is an encroachment upon the powers of the court, and that the time has not yet come when either branch of the government can step over and usurp the functinons of the other.

On the question recurring,

Shall the bill pass finally?

HOUSE BILL No. 1839 MADE SPECIAL ORDER.

Mr. MARINO. Mr. Speaker, I move that House Bill No. 1839, Printer's No. 717, be made a special order of business on final passage on Tuesday, May 11, 1937, at 8:30 p. m.

On the question,

Will the House agree to the motion?

The SPEAKER declared the "nays" appeared to have it.

Whereupon, a division was called for, sixty-nine members having voted in the affirmative and sixty-one in the negative, the question was determined in the affirmative and the motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1764, as follows:

An Act relating to certain existing beneficial societies conferring certain rights and powers and duties upon them their officers and members authorizing the payment of benefits by them in the event of sickness accidental disability or death regulating such societies and corporations and limiting the amount for which they may issue membership certificates or policies providing for reserves imposing penalties and repealing certain existing laws and parts of law

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the provisions of this act shall apply to the following beneficial societies

(a) All beneficial societies incorporated under general or special laws since the thirteenth day of October one thousand eight hundred and fifty-seven

(b) All beneficial societies incorporated heretofore which have accepted the provisions of the Constitution and the general insurance laws enacted since the thirteenth day of October one housand eight hundred and fifty-seven

(c) All beneficial societies incorporated under any general or special law prior to the thirteenth day of October one thousand eight hundred and fifty-seven which by the terms of their charters or the acts under which they were incorporated hold charters subject to alteration or revocation

Section 2 Any beneficial society may pay or enter into contracts to pay money or benefits not exceeding twenty dollars ($20) per week in the event of sickness accident or disability and not exceeding two hundred and fifty dollars ($250) in the event of death

Section 3 Number Election Term and Classification of Directors Vacancies A The annual meeting of members for election of directors of a beneficial society shall be held at such time prior to the first day of May in every year as the by-laws of the society may direct Notice of the time and place of meeting shall be given to the members in accordence with the provisions of the by-laws At such annual meeting the shareholders or members shall elect by ballot the number of directors stated in the articles of association or the by-laws which shall be not less than five nor more than thirteen Each directors shall hold office for the term for which he is elected and until his successor shal have been duly elected and qualified

B Except as otherwise provided in the by-laws each director shall be elected for a term of one year If the articles or by-laws of a beneficial society so provide the directors thereof may be classified in respect to the time for which they shall severally hold office In such case each class shall be as nearly equal in number as possible the term of office of at least one class shall expire in each year and the members of a class shall not be elected for a shorter period than one year or for a longer period than three years At each ensuing election of directors after such classification only the number of directors equal to the number of the class whose terms expire at the time of the election shall be elected and such directors shall be elected for the longest term for which any class may have been elected as provided in this section

C Except as otherwise provided in the by-laws vacancies in the board of directors shall be filled by the remaining members of the board and each person so elected shall be a director until his successor is elected by the shareholders or members who may make such election at the next annual meeting of the shareholders or members or at any special meeting duly called for that purpose and held prior thereto

D Except as otherwise provided in this act the business and affairs of every beneficial society shall be run and regulated in accordance with the provisions provided by existing law relating to insurnce companies

Section 4 Holding Management or Agency Corporations The business and affairs of each beneficial society shall be conducted and managed by its elected officers No contracts or agreements shall be entered into by any society with any holding management or agency corporation nor nay person or persons holding management or agency corporation by which the control of the management of the society would pass to such person or persons holding management or agency corporation nor through which percentages or portions of the members dues and other payments would be paid over to them

Section 5 Reserves A A beneficitl society doing business in this Commonwealth shall at all times maintain reserves as follows

(1) On the life portion contained in all policies or contracts issued reserves shall be based upon a standard table of mortality approved by the Insurance Commissioner with interest at a rate also approved by the Insurance Commissioner and such reserves shall be computed in accordance with the requirements provided by law for the computation of the reserve liability for life insurance

(2) On the disability portion contained in all policies or contracts issued reserves shall be computed in accordance with the requirements provided by law for the computation of the unearned premium reserve liability for casualty insurance

(3) For all definite and outstanding claims reserves shall be calculated in accordance with the requirements

provided by law for the computation of reserves against unpaid losses in casualty insurance other than compensation or liability insurance

B A sum equal to the amount of the reserves required by this section shall be invested in those investments authorized by law for the investment of the reserve funds of life insurance companies

C The Insurance Commissioner shall each year approve the computation of the reserve liability as of the thirty-first day of December of the preceding year of every beneficial society authorized to make insurance on lives in this Commonwealth

D Whenever any beneficial society doing business in this Commonwealth has not on hand the net value of all policies in force after all other debts and claims against it have been provided for the Insurance Commissioner shall notify such beneficial society to issue no new policies until its funds become equal to its liabilities

Section 6 Investment of Surplus The surplus of a beneficial society or a re-incorporated mutual beneficial society shall be invested in accordance with the requirements provided by law for the investment of the surplus of life insurance companies

Section 7 Annual Statements Penalties A Every beneficial society doing business in this Commonwealth shall annually on or before the first day of March file in the office of the Insurance Commissioner a statement which shall exhibit its financial condition as of the thirty-first day of December of the previous year and its business of that year Such statement shall be in the form prescribed or on forms furnished by the Insurance Commissioner and shall contain such information as shall seem to the Commissioner best adapted for the purpose of eliciting from the beneficial society a true exhibit of its financial condition It shall also within thirty days after requested by the Insurance Commissioner render such additional statement or statements concerning its affairs and financial condition as the Insurance Commissioner may in his discretion require

B Any beneficial society which neglects to make and file its annual statement in the form or within the time required by this section shall forfeit a sum of not more than one hundred dollars for each day during which its failure to file a statement continues and upon notice from the Insurance Commissioner its authority to transact new business shall cease while its default continues

C A beneficial society and the persons who make an oath or subscribe to a false annual statement in its behalf shall severally be punished for wilfully making a false annual statement by a fine of not less than five hundred dollars or more than five thousand dollars A person who makes oath to such false statement with the knowledge that it is false shall be deemed guilty of perjury

Section 8 The Insurance Commissioner or any person or persons he may appoint shall have the power of visitation and examination into the affairs of every beneficial society He may employ such additional assistance from time to time as he may deem necesary or expedient for the purpose of such examination and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers and employes or other persons in relation to the affairs transactions and conditions of the society Such examinations shall be made every three (3) years of oftener as he deems it to be necessary and the costs of such examinations as determined by the Insurance Commissioner shall be imposed upon each society so examined

Whenever after examination the Insurance Commissioner is satisfied that any beneficial society is exceeding its powers or is transacting business fraudulently or is in such condition that its further transaction of business will be hazardous to its members or to the public or shall determine to discontinue business the Insurance Commissioner may present the facts relating thereto to the Attorney General who shall if he deems the circumstances warrant proceed against such society in the method prescribed by the laws of this State providing for the liquidation of insolvent or delinquent companies orders or associations transacting any class of insurance

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced No application for injunction against or proceedings for the dissolution of or appointment of a receiver for any beneficial society or branch thereof shall be entertained by any court of this Commonwealth unless the same is made by the Attorney General

Section 9 Copies of Policies Contracts and Certificates of Membership to Be Filed With and Approved by The Insurance Commissioner No policy contract or certificate of membership shall be issued or delivered by any beneficial society in this Commonwealth nor applications riders or endorsements used in connection therewith until the forms of the same have been submitted to and formally approved by the Insurance Commissioner under such reasonable rules and regulations as he shall make concerning the terms and provisions contained in such policies contracts or certificates of membership and their submission to and approved by him

Section 10 Solicitors or agents for beneficial societies shall meet the same prerequisites as existing law requires of agents for insurance companies

Section 11 Penalties A Any person or beneficial society violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereto shall be sentenced to pay a fine of not more than five hundred dollars for each violation thereto

B Upon satisfactory evidence of the violation of any of the sections of this act by any beneficial society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the certicate of authority of such offending beneficial society (2) refuse for a period of not to exceed one year thereafter to issue a new certificate of authority to such beneficial society (3) impose a penalty of not more than one thousand dollars for each and every act in violation of this act

Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the beneficial society accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten days thereafter when a hearing of the matter shall be held After such hearing or upon failure of a duly authorized representative of the accused beneficial society to appear at such hearing the Commissioner shall impose such of the above penalties as he deems advisable The beneficial society may appeal from any action by the Commissioner pursuant to the section to the Court of Common Pleas of Dauphin County

Section 12 Scope of Act Provisions of this act shall not apply to

(1) Beneficial associations which are formed by or for the exclusive benefit of those who at the time of becoming members of such associations are engaged in educational work in any department or district of the public school system of the Commonwealth of Pennsylvania or in any college or university therein and which issues beneficiary certificates only to such members

(2) Fraternal charitable or secret societies issuing beneficial certificates and paying benefits to their membership through the lodge system

(3) Insurance or relief associations formed by or for the exclusive benefit of employes of corporations or firms or formed by or for the exclusive benefit of members of any religious corporation or association

(4) Associations whose benefits are limited to post-mortem assessments of the members

Section 17 Repealers The act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred and seventeen) entitled "An act authorizing certain existing beneficial or protective societies heretofore incorporated to re-incorporate for the purpose of making insurance upon the health of in-

dividuals and against personal injury and disablement and death regulating such corporations and limiting the amount for which corporations may issue policies and imposing a tax on gross premiums of companies re-incorporated under the provisions of this act" and the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred and five) entitled "An act authorizing the payment of benefits by certain beneficial societies in the event of sickness accident disability or death or in the event of any or all such contingencies and limiting the amount of such benefits providing for reserves of such societies providing penalties and repealing existing laws" and all acts or parts of acts inconsistent herewith are hereby repealed

Section 14 The provisions of this act are serverable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fiss,	McDevitt,	Shoemaker,
Allen,	Fitch	McElroy,	Shugarts,
Allmond,	Flannery,	McGee,	Siegel,
Arnold,	Flinchbaugh,	McKinney,	Simon,
Atkins,	Ganser,	McShane,	Skale,
Aukerman,	Gerard,	Melchiorre,	Sloan,
Baine,	Gillette,	Mellott,	Smith, James A.,
Baker, F. T.,	Gorski,	Merrell,	Smith, John A.,
Baker, J. J.,	Haberlen,	Mihm,	Snyder,
Balthaser	Hagerty,	Moomaw,	Spengler,
Bierly,	Hall,	Mooney,	Sproul,
Blank,	Hamilton, F. P.,	Moran,	Stackpole,
Bohn,	Hamilton, R. S.,	Moul,	Stank,
Boles,	Harkins,	Munley,	Stewart,
Boltz,	Harmuth,	Murrin,	Stockham
Boose,	Hays,	Nagel,	Strode,
Boyer,	Hering,	O'Brien,	Terry,
Bradley,	Hess,	O'Connor,	Thomas,
Brancato,	Hetrick,	O'Keefe,	Thompson,
Brigerman,	Hindman,	Ominsky,	Toole,
Broad,	Hirsch,	O'Neill,	Tronzo,
Brown,	Holland,	Ostroff,	Trout,
Brownfield,	Holstrom,	Patterson, C. S.,	Tumelty,
Burrows	Hontz,	Peale,	Valibus,
Cadwalader	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Cohen, H. B.,	Kane,	Preston,	Wall,
Cohen, R. E.,	Keenan,	Readinger,	Walsh,
Coleman,	Kelso,	Reese,	Watkins,
Coolahan,	Kilroy,	Reising,	Webster,
Corrigan,	Kline,	Richter,	Weidemann,
Costanzo,	Kroll,	Robinson,	Weiss, D. H.,
Davies,	LaRue,	Rothenberger,	Weiss, S. A.,
Decker,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wright,
Dyson,	Mallen,	Schumacher,	Yanoshat,
Eckels,	Marino,	Serrill,	Yeakel,
Elpern,	McArdle,	Shaw,	Yourishin,
Falkenstein,	McCullough,	Shea,	Zappala,
Finnerty,	McDermott,	Shepard,	Furman,

NAYS— 6

Habbyshaw,	Muir,	Wood,	Woodside,
Matthews, J. F.,	Turner,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 393, as follows:

An Act making an appropriation to the Department of Health for the purpose of draining flooded mines and quarries in this Commonwealth to recover human bodies lost therein

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the purpose of draining flooded mines and quarries in this Commonwealth in which human bodies have been lost to recover such human bodies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—145

Achterman,	Elpern,	McArdle,	Scanlon,
Allen,	Falkenstein,	McCullough	Schor,
Allmond,	Finnerty,	McDermott,	Schrope,
Arnold,	Fitch,	McElroy,	Shaw,
Aukerman,	Flannery,	McFall,	Shea,
Baine,	Flinchbaugh	McGee,	Shepard,
Baker, J. J.,	Ganser,	McShane,	Shoemaker,
Balthaser,	Gerard,	Melchiorre	Shugarts,
Bierly,	Gorski,	Mellott,	Siegel,
Blank,	Haberlen,	Mihm,	Simon,
Bohn,	Hagerty,	Moomaw	Skale,
Boles,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Boltz,	Hamilton, R. S.,	Moran,	Smith, John A.,
Bradley,	Harkins,	Moul,	Spengler,
Brancato,	Harmuth,	Munley,	Stank,
Brigerman,	Hays,	Murrin,	Thomas,
Broad,	Hering,	Nagel,	Thompson,
Brown,	Hess,	O'Brien,	Toole,
Brownfield,	Hetrick,	O'Connor,	Tronzo,
Burrows,	Hindman,	O'Keefe,	Tumelty,
Caesar,	Hirsch,	Ominsky,	Valibus,
Caputo,	Holland,	O'Neill,	VanSickle,
Chervenak,	Holstrom,	Ostroff,	Vogt,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	Wagner,
Cohen, R. E.,	Horting,	Pearson,	Walsh,
Coleman,	Jirolanio,	Piole,	Weiss, D. H.,
Coolahan,	Keenan,	Powers,	Weiss, S. A.,
Corrigan,	Kelso,	Preston,	Welliver,
Costanzo,	Kilroy,	Readinger,	Welsh,
Decker,	Kroll,	Reese,	Westrick,
DeNote,	LaRue,	Reising,	Whalen,
Dickinson,	Levy,	Richter,	Whitenight,
Donohoe,	Lewis,	Robinson,	Wright,
Dougherty,	Long,	Rothenberger	Yanoshat,
Downey,	Lopresti,	Ruffennach,	Yourishin,
Dubbs,	Lovett,	Rush,	Zappala,
Dyson,	Marino,	Sarraf,	Furman,

NAYS—53

Atkins,	Kane,	Royer,	Turner,
Baker, F. T.,	Kline,	Schrock,	VanAllsburg,
Boose,	Leisey,	Schumacher,	Wall,
Boyer,	Longaker,	Serrill,	Wampole,
Cadwalader,	Lyons,	Sloan,	Watkins,
Davies,	Mallen,	Snyder,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney	Stewart,	Winner,
Habbyshaw,	Merrell,	Stockham,	Wood,
Hall,	Muir,	Strode,	Woodside,
Huntley,	Peale,	Terry,	Yeakel,
Imbrie,	Perry,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1305, Printer's No. 674, was passed at the request of Mr. BROWN.

There being no objection House Bill No 1770, Senate Bill No. 153, Printer's No. 453, was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON THIRD READING

Mr. LONG. Mr. Speaker, I desire to call up at this time House Bill No. 1316, Senate Bill No. 243, Printer's No. 81, on page 27 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. LONG.

The House resumed the consideration on third reading of House Bill No. 1316, (Senate Bill No. 243), entitled:

An Act to provide for the registration of certain nurses

On the question recurring,

Will the House agree to the bill on third reading?

BILL DROPPED FROM CALENDAR

Mr. TURNER. Mr. Speaker, at the request of the sponsor of this bill, I move that it be dropped from the calendar.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary of the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1038

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg May 6, 1937

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1038, Printer's No. 326, entitled "An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel."

This bil would provide that in any case where a writ of habeas corpus has been granted, the judge granting the writ may inquire into the facts of the case. Such inquiry would include an examination into all the proceedings held and evidenced produced before a judge, magistrate, justice of the peace, or other officer sitting as a committing judge or magistrate, or the grand jury. If, after inquiry, the judge would deem such proceedings to have been conducted not in accordance with law, or deem the evidence insufficient, he would be required to discharge the prisoner.

For the purposes of the inquiry, the bill would make available to a petitioner or his counsel the records of all proceedings and testimony, for inspection in the court where the application is made.

The bill would have the effect of compelling the Commonwealth to disclose its entire case, by making mandatory the availability to a petitioner of the records of all proceedings and the testimony therein.

The principal objection to the bill lies in the fact that counsel for petitioners could file petitions for such writs merely for the purpose of forcing the State to disclose its evidence, and thus unduly burden the prompt administration of justice.

I feel that under the present state of the law the rights of imprisoned persons are amply protected, and although I am wholeheartedly in favor of any safeguard against possible unjust restraints of freedom, I believe that any benefits which might be obtained under this bill would be far outweighed by its detrimental consequences to society and the administration of justice.

For these reasons, the bill is not approved.

GEORGE H. EARLE.

On the question,

Shall the bill become a law, the veto of the Governor to the contrary notwithstanding?

BILL AND VETO LAID ON TABLE.

Mr. BROWN. Mr. Speaker, I move that the bill together with the veto message of the Governor, be laid upon the table.

The motion was agreed to.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 177 and 1051.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 177, Printer's No. 176, entitled "An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled as amended "An act relating to domestic animals, and providing for their appraisement when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," as amended, by changing the amount of compensation in certain cases.

House Bill No. 1051, Printer's No. 658, entitled "An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, pre-

sented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 50, 51, 52, 53, 196, 565, 1125, 1183, 1561, 1766 and 2118.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 50, Printer's No. 670, entitled "An Act to amend article twenty-four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

House Bill No. 51, Printer's No. 671, entitled "An Act to amend article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

House Bill No. 52, Printer's No. 672, entitled "An Act to amend article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

House Bill No. 53, Printer's No. 673, entitled "An Act to amend article twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

House Bill No. 196, Printer's No. 434, entitled "An Act to amend sections one and two of the act approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks, and other negotiable papers on such days," as amended, declaring Flag Day, the fourteenth day of June, a legal holiday.

House Bill No. 565, Printer's No. 244, entitled "An Act prohibiting the use of the designation of "college" by any institution not conforming to the standards of a college prescribed by the State Council of Education and providing for injunctions and penalties."

House Bill No. 1125, Printer's No. 474, entitled "An Act to amend sections one two and six of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 492), entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education, for boys and girls who are employed and for adults, as a function of the public schools of this Commonwealth; and to facilitate the proper organization and administration of such extension education," by providing educational, recreational and social opportunities for out-of-school youth who are not employed; by reducing the number of petitioners required for applications for extension classes; and by requiring certain qualifications for teachers and leaders in extension education.

House Bill No. 1183, Printer's No. 688, entitled "An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstrution resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

House Bill No. 1561, Printer's No. 517, entitled "An Act to amend sections two three four five and six of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws one hundred twenty-nine) entitled, "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter, defining butter and prescribing the penalty for the violation thereof," further defining butter and the adulteration of butter, conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties.

House Bill No. 1766, Printer's No. 486, entitled "An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen as added of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," by further defining costs of tuition.

House Bill No. 2118, Printer's No. 497, entitled "An Act to further amend section six of the act approved the second day of May one thousand eight hundred ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" by clarifying the provisions relating to appeals

GEORGE H. EARLE.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1284.

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland

County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 2, second line, by inserting after the word "demnation" the words "granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the Commission".

Amend section 2, page 2, line 22, by striking out after the word "or" the word "in"

Amend section 3, page 3, line 9, by striking out after the word "principal" the word "function" and inserting in lieu thereof the word "functions".

Amend section 4, page 4, line 26, by inserting after the word "seal" the following: "The Commission is hereby constituted an instrumentality of the Commonwealth and the exercise by the Commission of the powers conferred by this act in the construction operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth"; Also in line 28, by inserting after the word "members" the following "shall be appointed by the Governor by and with the advice and consent of two-thirds of the members of the Senate and"; Also on page 6, line 9, by inserting after the word "to" the following: "acquire own use hire lease operate and dispose of personal property real property and interest in real property and to"; Also in line 12, by inserting after the word "engineering" the word "traffic".

Amend section 5, page 7, line 17, by striking out after the word "the" the word "Commonwealth" and inserting in lieu thereof the word "Commission".

Amend section 6, page 7, line 27, by striking out after the word "manner" and inserting in lieu thereof the word "hereinafter"; Also on page 10, line 9, by striking out at the beginning of said line the word "Commonwealth" and inserting in lieu thereof the word "Commission"; Also in same line by striking out after the word "The" the word "Commonwealth" and inserting in lieu thereof the word "Commission"; Also in line 16, by striking out after the word "the" the word "Commonwealth" and inserting in lieu thereof the word "Commission"; Also in line 17, by inserting after the word "Condemned" the following: "and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Commission to accept and pay for the property but such undertaking or security shall impose no liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act."

Amend section 7, page 11, line 13, by inserting after the word "bond" the words "or other security"; Also in line 20, by striking out after the word "and" the word "shall"; Also in line 21, by striking out after the word "the" the word "Commonwealth" and inserting in lieu thereof the word "Commission".

Amend section 8, page 12, line 15, by striking out after the word "provided" the words "such redemption price shall not increase interest to more than six per centum" and inserting in lieu thereof the following: "however that the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions not inconsistent with this act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor"; Also on page 13, by striking out after the word "Commonwealth" the words "Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth"; Also in line 16, by inserting after the word "interest" the words "and registered and coupon bonds shall be interchangeable".

Amend section 9, page 15, line 15, by striking out at the beginning of said line the word "sinking".

Amend section 10, page 16, line 4, by striking out after the word "the" the word "contractors" and inserting in lieu thereof the word "construction"; Also in line 8, by striking out after the word "as" the word "such"; Also in same line by inserting after the word "depository" the words "of the proceeds of the bonds or revenues "; Also in line 9, by striking out after the word "such" the word "indemtifying" and inserting in lieu thereof the word "indemnity".

Amend bill page 16, by inserting after the word "turnpike" in line 20, by following new section:

"Section 11 The accomplishment by the Commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prospertiy in which accomplishment the Commission will be performing essential governmental functions the Commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act and the bonds or other securities and obligations issued by the Commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth".

Amend section 11, page 16, line 21, by striking out after the word "Section" the figure "11" and inserting in lieu thereof the figure "12"; Also in line 22, by inserting after the word "by" the words "and under the control of"; Also in line 24, by inserting after the word "costs" the words "for such maintenance and repairs"; Also on page 17, line 13, by inserting after the word "fund" the words "at least"; Also in line 16, by inserting after the word "thereon" the words "and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture".

Amend section 12, page 18, line 19, by striking out after the word "Section" the figure "12" and inserting in lieu thereof the figure "15"; Also in same line by striking out after the word "When" the word "the" and inserting in lieu thereof the word "all"; Also in line 20, by striking out after the word "amount" the words "shall have been provided for their payment" and inserting in lieu thereof the words "for the payment of all bonds and the interest to maturity thereof shall have been set aside in trust for the benefit of the bondholders".

Amend section 13, page 19, line 3, by striking out after the word "Section" the figure" 13" and inserting in lieu thereof the figure "14".

Amend section 14, page 19, line 17, by striking out after the word "Section" the figure "14" and inserting in lieu thereof the figure "13."

Amend section 15, page 20, line 13, by striking out after the word "Section" the figure "15" and inserting in lieu thereof the figure "16".

Amend section 16, page 20, line 22, by striking out after the word "Section" the figure "16" and inserting in lieu thereof the figure "17".

Amend section 17, page 21, line 1, by striking out after the word "Section" the figure "17" and inserting in lieu thereof the figure "18".

Amend section 18, page 21, line 3, by striking out after the word "Section" the figure "18" and inserting in lieu thereof the figure "19".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. CLIFF. S. PATTERSON. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 190.

An Act to amend clauses (i) and (j) of section four clauses (e) (f) and (j) of section two hundred eight and sections three hundred nine and five hundred seven of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing for certain additional persons to be considered as employers providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who were honorably discharged from such service further defining the qualifications and the method of examining personnel providing a system of promotion for employes in the civil service system further defining the scope of judgments obtained for the collection of employer contributions and extending the jurisdiction of courts of common pleas with respect to summons and subpoenas issued under the act.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 390.

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial home-work imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and prescribing penalties.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 528.

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1273.

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 185.

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

With the information that the Senate has passed the same without amendment.

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 366.

An Act to amend sections three, four six and seven of and to add section 9.1 to the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (Pamphlet Laws 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix

and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act", by providing for additional projects; removing the date by which projects must be commenced; removing certain restrictions against the construction of projects making such Authority perpetual fixing the quorum of the Authority providing for the leasing of projects by the Authority to the Commonwealth clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling, assigning, mortgaging, or otherwise disposing of any of the assets belonging to the Authority; and clarifying certain provisions of said act.

SENATE BILL No. 425.

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry improving duties on employers and mandatory orders on employers and the publication fo the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties.

SENATE BILL No. 640.

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 10, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 17th, at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 17th, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL INTRODUCED

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent at this time to introduce a bill. I might say, Mr. Speaker, in asking unanimous consent to offer this bill, that it relates to requesting reports from children's aid societies in connection with the placing of children. You will recall that early in the session, after an atrocious crime had been committed, the murder of a ward of the Children's Aid Society in Franklin County, I introduced a resolution and it was just recently that we obtained a report after the closing date for introduction of bills. It was just last week that this case was brought to a finish and you perhaps noticed by the press that there was a first degree murder conviction in the case of a foster-father and of manslaughter in the case of the mother. This bill is being introduced merely at the request of the Department of Welfare to require a report of the homes in which these wards are placed and the approval of same.

Mr. MOOMAW asked and obtained unanimous consent to introduce a bill the title of which was read as follows:

An Act requiring children's aid societies and other societies and organizations placing and boarding out children to make certain reports to the Department of Welfare and secure the approval of said department to all placements and boarding out of children; and providing penalties.

RESOLUTION

SENATE RESOLUTION SERIAL No. 118.

Mr. YOURISHIN. Mr. Speaker, I desire to call up at this time Senate Resolution Serial No. 118.

The resolution was read by the Clerk as follows:

In the Senate, May 5, 1937.

Whereas, The present Anthracite Mine Code was enacted more than forty years ago since which time mining conditions have changed materially; and

Whereas, It appears that the development of the mining laws has not kept step with the development of this industry and are in need of study and revision; therefore be it

Resolved, (If the House of Representatives concur), That a joint legislative committee is hereby created which shall be composed of three persons appointed by the President Pro Tempore of the Senate, and four persons appointed by the Speaker of the House of Representatives, whose duty it shall be to make a thorough study and prepare a complete revision and restatement of the laws regulating anthracite mines in this Commonwealth, and report the same to the General Assembly at its session in the year 1939, not later than February first;

Resolved, That the said committee shall have power to issue subpoenas under the had and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

On the question,

Will the House concur in the resolution?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Yourishin.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, isn't there an anthracite mine code now in the Senate?

Mr. YOURISHIN. That is right, Mr. Speaker.

Mr. TURNER. Mr. Speaker, if there is an anthracite mine code now in the Senate what is the purpose of creating a commission to study the laws and clarify them?

Mr. YOURISHIN. Mr. Speaker, I might say that the mine code which was presented in the Senate changes certain features of the present mine law. In other words, I mean that it repeals the present mine law, repeals the miners' certificate law, that the miners have been dearly holding on to for the last forty years. There are certain sections in the present mine law that we would like to have in the present mine code as introduced. Not only that, but while it repeals the mine law it does not repeal any of the administrative codes for some years back, wherein the administrative codes have added to or taken away on several occasions from the present mine law, and the miners want the mine law clarified into one section so they will know just what they are working under.

Mr. TURNER. Mr. Speaker, could that not be accomplished by an amendment to this code?

Mr. YOURISHIN. No, Mr. Speaker, it could not, because it would take some time to dig out the administrative codes and so forth. Not only that but the miners want to try to agree with the mine owners on the method in which mining shall continue in the future.

Mr. TURNER. Mr. Speaker, I think that the gentleman is not in favor of this mine code as introduced.

Mr. YOURISHIN. That is right, Mr. Spekaer.

Mr. TURNER. And, Mr. Speaker, the gentleman will not be in favor of its being passed over.

Mr. YOURISHIN. That is correct, Mr. Speaker.

On the question recurring,

Will the House concur in the resolution?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

Mr. WAGNER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 10, 1937.

Whereas, In the tragedy which destroyed the famous Hindenberg at Lakehurst recently, Dr. Birger Brink of Stockholm, Sweden, lost his life; and

Whereas, Dr. Brink was making a hurried trip to America for the purpose of conversing with the Governor of this Commonwealth concerning the Three Hundredth Anniversary of the Swedish Settlement in Pennsylvania, and in order that return connections might be made, Major Camey Vinet had been ordered to fly an aeroplane to Lakehurst and to transport Dr. Brink to Philadelphia, where he was to meet the Governor; therefore be it

Resolved, (if the Senate concur), That the Members of the General Assembly of the Commonwealth of Pennsylvania in recognition of the service Dr. Birger Brink undertook to perform to help to keep alive for the people of Pennsylvania its early Swedish history, record this token of their sincere appreciation, and extend to the grief stricken members of his family their sincere sympathy in the loss they have sustained through this tragedy;

Resolved, That a copy of this resolution be transmitted to the members of the family of Dr. Brink in Stockholm, Sweden, by the Chief Clerk of the House.

QUESTION OF PERSONAL PRIVILEGE

Mr. DUBBS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. DUBBS. Mr. Speaker, it is a matter of deep regret to me that I should have to take the time of this House now to discuss a question which after all is of no great moment.

I wish to bring to your attention an editorial which was published in the Evening Bulletin, an evening paper published in the City of Philadelphia, on Wednesday, I believe, May 5, 1937. That editorial challenges the integrity of this House and of me. Consequently I feel that it is imperative that I read the editorial to this House and make such statements that I can in answer thereto.

The name of the editorial is: "Dubious Tax Legislation," and the editorial goes on to state:

"In view of the obstacles to safe purchase of real estate which would be interposed by the Dubbs bill, awaiting Senatorial action after passage by the House at Harrisburg, it is in order for its proponents to make public explanation of their purposes.

By the elimination of nineteen words from existing law prescribing procedure for the collection of tax and municipal assessment claims against properties this measure would make it possible for municipal authorities to permit delinquent taxpayers to remain in possession of their realty indefinitely, and to hold unrecorded claims which might subsequently bob up to plague purchasers after most painstaking search of titles.

No measure which would extend the degree of discrimination permitted in tax collection, or widen the openings to favoritism, or invest realty transactions with further hazards, can be in the public interest. The objectives of the Dubbs bill call for elucidation."

Members of the House, in attacking this editorial I hope you will pardon my being somewhat academic in attacking it from two standpoints. First, I shall attack it extrinsically and then I shall attack it intrinsically. In attacking it extrinsically I shall have to burden you with a little history. In the early part of February, 1937, I was called to the northern part of the 35th Ward of the City of Philadelphia by a meeting of citizens. They said to me that the sanitary conditions in that particular part of the city of Philadelphia were deplorable, and the reason they were deplorable was because they have no sewers, and they asked me if it would be possible to provide by legislation issuing from Harrisburg for the laying of sewers and some means of paying for them over a period of ten years. Now, members of the House, there seems to be some misunderstanding about this matter and I hope you will pardon me if I take this opportunity to explain to you what is done in Philadelphia about sewers. The City of Philadelphia by its Council orders that sewers shall be laid in a certain district, then a certain sum of money is appropriated by Council to pay for some part of the laying of those sewers, and then the balance of the cost of the laying of the sewers is borne by the persons who own the property along which the sewers lie. An assessment is made which is usually four dollars per lineal front foot, for the laying of the sewers. This is an extremely convenient method of laying sewers in the usual places in Philadelphia. But in the northeast section of Philadelphia we are not exactly urban, we are suburban or rural and there are some people who own farms there and those farms have a front footage of approximately four or five hundred feet. It would be a tremendous burden to those people to have to pay the sum of four dollars per front foot immediately. Let me go further and say, because I understand that in other counties a different rule obtains, that in Philadelphia after the assessment has been made the assessment is assigned to some contractor; that contractor files a municipal claim at the rate of four dollars a front foot, and he can proceed on that municipal claim

and if the money is not paid immediately he can sell the real estate.

Now, when I was called to the northeast section of the City of Philadelphia the question was put before me as to how it might be possible to lay the sewers there and pay for them in ten years, and I will say to you, members of the House, that my experience had always been on the other side of the fence, that I had represented the contractor, and at first thought I did not know exactly how any such installment measure could be arranged. However, I came back to Harrisburg and I talked with various members of the House. On last Wednesday I heard a rule of this House enunciated by the Speaker, that it is not proper to mention the name of any particular member of the House, but I will say that a member of the House from Delaware came to me and said he knew something about this problem. He said it was possible to pass an act which would enable the municipality to issue what is known as non-debt revenue bonds and the reason for issuing the non-debt revenue bonds is this, that if the sewers were to be laid in Philadelphia and if the householders could not pay for them immediately then it was incumbent upon some one to finance the laying of the sewers immediately, and the City of Philadelphia was unable to do that because its borrowing capacity was exceeded. It was therefore necessary to finance the laying of the sewers in some way, and for that reason I introduced House Bill No. 812, which provides for the issuing of non-debt revenue bonds, which provides for the sale of the bonds and the raising of the money for the laying of the sewers without any connection whatever with the borrowing capacity of the City of Philadelphia. In connection with that I will say that the gentleman from Delaware also made an arrangement with me whereby House Bill No. 60, which provides for sewer rentals, should be made applicable to cities of the first class. By these means we were enabled to raise the money, the city was enabled to raise the money without reference to its borrowing capacity for the laying of any sewer in the City of Philadelphia. Then in connection with that I introduced another bill and you members passed in unanimously. I refer to House Bill No. 1477 which enables the City of Philadelphia to make assessments for the laying of sewers and provides for the payment of the sewers within a period of ten years.

Now, members of the House, this was not done in one day and it was not done by me alone but it was done by me in conjunction with the gentleman from Delaware, of whom I spoke, together with the City Solicitor of the City of Philadelphia. It took a great deal of figuring out and we finally brought about this system whereby the sewers could be layed and financed by the City of Philadelphia. But the trouble was that they had to be financed over a period of ten years and that brings us down to House Bill No. 1474, which the Evening Bulletin says is such a bill that the objectives of the bill call for elucidation.

Members of the House, House Bill No. 1474 simply provides this: Under the Municipal Lien Act of 1923 it is provided that when a tax lien has been on file for a period of five years, its lien on the property can be revived by the mere filing of what is known as a suggestion and averment of default. A suggestion and averment of default is a mere statement made by the attorney for the claimant, which is filed of records and costs one dollar. Oddly enough under the Act of 1923 there was no such provision for municipal claims. It was necessary that a municipal claim at the end of five years have a certain writ issued, which is known as a sci. fa. sur municipal claim, and if the owner of the property could not be found it was necessary that this sci. fa. sur be advertised in the newspapers at a cost of $23.75. When we have reached the point in our conversations concerning the sewer liens in Philadelphia we found that we had prescribed some means by which the money could be raised and by which the payments could be made over a period of ten years, but when we were faced with the problem of having a municipal lien against the property which would last for ten years, we found that under the existing laws it would cost a householder an additional $23.75. It was therefore suggested to me that I make some amendment to the Act of 1923 and I made that amendment, so that under the Act of 1923 a suggestion could be filed which would cost only one dollar instead of $23.75.

Now, members of the House, that is all that House Bill 1474 was ever designed to do. There is nothing particularly dangerous about it, and I wish to say further, in connection with the editorial in the Bulletin that it is not tax legislation but it has merely to do with assessments which are entirely different from taxes. It will never do any harm to the people who search titles because the only difference is that whenever you look over the judgment index you will find the word "suggestion" instead of the words "sci. fa."

This editorial is not extremely complementary to me but I do not mind that particularly. What I am worrying about is this, that House Bill 1474 is one of the most important links in a series of bills which will obtain sewer construction for the citizens in the northeast part of Philadelphia. It is now in the Senate and I hope that the members of this House will use what influence they may have with the Senators to see that this bill pass the Senate without any undue difficulty.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

RESOLUTION

RECALLING SENATE BILL No. 64 FROM THE SENATE

Mr. HERBERT B. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 10, 1937.

Resolved (if the Senate concur), That Senate Bill No. 64, Printer's No. 385, entitled "An Act to establish a separate orphans' court in and for the County of Dauphin," which is now before the Senate for concurrence in House amendments, be recalled from the Senate for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS INTRODUCED AND REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2263.

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Referred to the Committee on Appropriations.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2264.

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Referred to the Committee on Appropriations.

By Mr. HOLLAND. HOUSE BILL No. 2265.

An Act making an appropriation to the commission, created by concurrent resolution, to study police civil service systems, and to recommend a system or systems for adoption in this State.

Referred to the Committee on Appropriations.

By Mr. MOOMAW. HOUSE BILL No. 2266.

An Act requiring childrens' aid societies and other societies and organizations placing and boarding out children to make certain reports to the Department of Welfare and secure the approval of said department to all placements and boarding out of children; and providing penalties.

Referred to the Committee on Welfare.

REPORTS FROM COMMITTEES

Mr. TOOLE, from the Committee on State Boards reported as committed, House Bill No. 1003, entitled:

An Act to promote the general welfare by establishing a State Employment Authority to investigate causes of unemployment and provide productive work in factories and mines for the unemployed, the products of which shall be distributed under the supervision of the authority to the unemployed and needy persons; to cooperate with existing Federal and State agencies to relieve unemployment in the distribution of products and necessities to persons in need and in distress; imposing a penalty; and making an appropriation.

Mr. MELCHIORRE, from the Committee on State Boards, reported as amended, House Bill No. 1214, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by further defining beauty culture; making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture; modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools, shops, students, apprentices, teachers, managers, operators and demonstrators; prescribing certain qualifications for examiners, inspectors and supervisors; making certain changes in the powers and duties of the Department of Public Instruction and in the procedures to be followed in the enforcement of the act.

Mr. LEWIS, from the Committee on Counties, reported as committed, House Bill No. 2168, (Senate Bill No. 810), entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges, and for the purchase and improvement or construction of public highways, bridges, tunnels, subways and underground roads.

Mr. JIROLANIO, from the Committee on State Government, reported as amended, House Bill No. 2232, (Senate Bill No. 708), entitled:

An Act relating to and regulating the manufacture keeping and storing of explosives requiring permits for magazines and prescribing permit fees and providing penalties.

Mr. TRONZO, from the Committee on State Boards, reported as amended, House Bill No. 1800, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of engineers having charge of stationary steam of mercury boilers, engines, turbines, refrigerating machinery and such power hoisting and portable machinery, irrespective of the motive power, as shall be used in all construction work; designating the requirements necessary to secure the licensure; providing for the collection of fees; making it a misdemeanor to operate or cause to be operated such apparatus without licensure; and providing penalties.

APPOINTMENT OF COMMITTEE UNDER PROVISIONS OF HOUSE BILL No. 999, ACT No. 77.

The SPEAKER. Pursuant to the provisions of House Bill No. 999, Act No. 77, approved by the Governor April 13, 1937, entitled:

An Act providing for the appointment of a Commission to draft a report on a plan for the future government of the City of Philadelphia, in accordance with a proposed amendment to the Constitution, consolidating the City and County government of the said City; providing for the employment of certain persons by the Commission; giving the Commission the power to subpoena witnesses, books, papers and records; to hold hearings; and making an appropriation.

the Chair appoints as a Committee on the part of the House, Messrs. Ominsky, Shepard and Mallen.

ANNOUNCEMENTS BY THE CLERK

There will be a public hearing, tomorrow, May 11th, at 11 a. m., on House Bill 883, in the House Caucus Room before the Committee on Insurance.

A public hearing tomorrow, May 11th, at 3 p. m., on House Bill 670, in Room 323 before the Committee on Railroads and Railways.

A public hearing on Wednesday, May 12th, at 11 a. m., on House Bill 1690, in the House Caucus Room before the Committee on Mines and Mining.

A public hearing on Wednesday, May 12th, at 11 a. m., on House Bills 452, 1704, 1869, 1899, 1901, 1952, 2014 and 2060, which are bills pertaining to undertakers, in Room 101 before the Committee on State Boards.

Committee meetings for tomorrow:

Aeronautics at 11 a. m., in Room 544.

Agriculture at 11 a. m., in Room 521.

Appropriations at 12 noon, in Room 332.

Cities at 11:30 a. m., in Room 101.

Forestry at 11 a. m., in Room 100.

Judiciary General at 11 a. m., in Room 325.

Legislative Apportionment at 11:30 a. m., in Room 324.

Motor Vehicles at 11 a. m., in Room 323.

ADJOURNMENT

Mr. AUKERMAN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 2:03 a. m.) the House adjourned until Tuesday, May 11, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, MAY 11, 1937. No. 56.

SENATE

TUESDAY, MAY 11, 1937

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D. offered the following prayer:

We would enter into Thy gates with Thanksgiving, O God, Our Father, and into Thy courts with praise; for Thou art good; Thy mercy is everlasting; and Thy truth endureth to all generations. Look down in pity upon our lives, often so detached from Thee. Give us a quickening sense of Thy presence. Bring to our hearts a conviction that we know nothing, if we know not Thee. As children, we come asking for Thy sustaining bread, for Thy guiding spirit, for wisdom and strength and for Thy sufficient grace.

Be merciful unto us and bless us, and cause Thy face to shine upon us. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LAW, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

OPPOSING ABOLISHMENT OF POOR RELIEF BY ELECTED POOR DIRECTORS

Petitions from numerous citizens of the Commonwealth of Pennsylvania, opposing any measure of bill introduced in the Senate or the House of Representatives of the General Assembly which by any reasonable construction is calculated to abolish the present system of general poor relief by elected Poor Directors, or to curtail or limit their power and duties under existing law.

Which was referred to the Committee on Welfare.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 393, (Senate Bill No. 1239), entitled:

An Act making an appropriation to the Department of Labor and Industry for the purpose of draining flooded mines and quarries in this Commonwaelth to recover human bodies lost therein.

Which was committed to the Committee on Appropriations.

House Bill No. 947, (Senate Bill No. 1240), entitled:

An Act to amend section three of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "Fire Safety Building Regulation Law," as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

Which was committed to the Committee on State Government

House Bill No. 1764, (Senate Bill No. 1241), entitled:

An Act authorizing the payment of benefits by certain beneficial societies in the event of sickness accident disability or death or in the event of any or all such contingencies authorizing certain existing beneficial or protective societies heretofore incorporated to re-incorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such societies and corporations and limiting the amount for which such societies and corporations may issue policies providing for reserves of such societies and corporations providing penalties and repealing existing laws.

Which was committed to the Committee on Insurance.

House Bill No. 1897, (Senate Bill No. 1242), entitled:

An Act authorizing the Governor to enter into compacts with the Governors of certain other States and possessions of the United States relative to the producing of tobacco.

Which was committed to the Committee on Agriculture.

House Bill No. 1898, (Senate Bill No. 1243), entitled:

An Act to provide for the supervision and regulation of the production of tobacco; to create a tobacco commission, and provide for local tobacco committeemen and other agencies and employes, and to define and to provide for their functions, duties and powers; to provide for the appointment, compensation, costs and expenses of said commission and of committeemen, agencies and employes thereof; to provide for the raising of funds for the administration of this act, and for the disposition of the revenues hereunder; to provide a fund to compensate tobacco producers for crop failures and losses from fire; to impose penalties for violation of this act; and to provide for the cooperation of the commission with commissions of certain other states and possessions of the United States for the purpose of uniformity regulating and controlling

the production of tobacco in this State and each of such states and possessions.

Which was committed to the Committee on Agriculture.

RESOLUTION EXTENDING TO FAMILY OF DR. BIRGER BRINK, OF STOCKHOLM, SWEDEN

HOUSE BILLS FOR CONCURRENCE

He also presented extract from the Journal of the House of Representatives which was twice read as follows:

In the House of R presentatives, May 10, 1937.

Whereas, In the tragedy which destroyed the famous Hindenberg at Lakehurst recently, Dr. Birger Brink of Stockholm, Sweden, lost his life; and

Whereas, Dr. Brink was making a hurried trip to America for the purpose of conversing with the Governor of the Commonwealth concerning the Three Hundredth Anniversary of the Swedish Settlement in Pennsylvania, and in order that return connections might be made, Major Camey Pinet had been ordered to fly an aeroplane to Lakehurst and to transport Dr. Brink to Philadelphia, where he was to meet the Governor; Therefore be it

Resolved, (if the Senate concur), That the members of the General Assembly of the Commonwealth of Pennsylvania in recognition of the service Dr. Brink undertook to perform to help keep alive for the people of Pennsylvania its early Swedish history, record this token of their sincere appreciation, and extend to the grief stricken members of his family their sincere sympathy in the loss they have sustained through this tragedy;

Resolved, That a copy of this resolution be transmitted to the members of the family of Dr. Brink in Stockholm, Sweden, by the Chief Clerk of this House.

Mr. RICE. Mr. President, I ask unanimous consent that Rule 39, which requires concurrent resolutions to be referred to an appropritae committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE SENATE SENATE BILL No. 64

He also presented extract from the Journal of the House of Representatives which was twice read as follows, considered and agreed to:

In the House of Representatives, May 11, 1937.

Resolved, (If the Senate concur) That Senate Bill No. 64, Printer's No. 385, entitled:

An Act to establish a separate orphan's court in and for the county of Dauphin, which is now before the Senate for concurrence in House amendments, be recalled to the House of Representatives for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RELATIVE TO APPOINTMENT OF JOINT COMMITTEE TO STUDY AND REVISE ANTHRACITE MINE CODE

He also presented communication from the House of Representatives informing the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate of Pennsylvania, May 5, 1937.

Whereas, The present Anthracite Mine Code was enacted more than forty years ago since which time mining conditions have changed materially; and

Whereas, It appears that the development of the mining laws has not kept step with the development of this industry and are in need of study and revision; therefore be it

Resolved, (if the House of Representatives concur), That a joint legislative committee is hereby created which shall be composed of three persons appointed by the President Pro Tempore of the Senate, and four persons appointed by the Speaker of the House of Representativs, whose duty it shall be to make a thorough study and prepare a complete revision and restatement of the laws regulating anthracite mines in this Commonwealth, and report the same to the General Assembly at its session in the year 1939, not later than February first;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

TIME OF NEXT MEETING

He also presented communication from the House of Representatives informing the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate, May 10, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 17th, at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 17th, at nine o'clock, Eastern Standard Time.

SENATE BILL No. 756 RETURNED WITH AMENDMENT

He also returned to the Senate Senate Bill No. 756, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by providing penalties for any insurance company, association or exchange which exceeds the powers granted under a certificate of authority.

with the information that the House has pased the same with amendment in which the concurrence of the Senate is requested.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 1284

He also informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 1284, entitled:

An Act ta facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

Mr. LAW. Mr. President, I move that the Senate insist upon its amendments.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 185, entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

House Bill No. 190, entlitled:

An Act to amend clause (f) of section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 7), entitled "An act establishing a system of unemployment compensation to be administered by the department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties"; providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged, and who were honorably discharged from such service.

House Bill No. 390, entitled:

An Act relating to the performance of industrial work in homes; regulating, and, in certain cases, prohibiting industrial homework; imposing duties, restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly, furnishing materials and articles to home-workers for manufacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; imposing an excize tax, and providing for the collection thereof; conferring powers and imposing duties on the Department of aLbor and Industry and the Department of Revenue; and prescribing penalties.

House Bill No. 528, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County.

House Bill No. 1273, entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 11, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ADAMS COUNTY

Mrs. Gladys W. Keefer, Littlestown.

ALLEGHENY COUNTY

Mrs. Esther L. Wilson, 3826 Parviss St., Pittsburgh.

BLAIR COUNTY

Mrs. Dorothy M. Shute, Altoona.

DELAWARE COUNTY

Mrs. Ethel M. Zinn, Upper Darby, Upper Darby Twp.

ERIE COUNTY

Mrs. Jean Field, Corry.

LUZERNE COUNTY

Mrs. Mary T. Kennedy, Wilkes-Barre.

MONTGOMERY COUNTY

Mrs. Alice Evans Cummings, Rosemont, Lower Merion Twp.

PHILADELPHIA COUNTY

Miss H. A. Bracken, 143 S. 4th St., Philadelphia.

GEORGE H. EARLE.

REPORTS FROM COMMITTEES

Mr. MALLERY, from the Committee on Municipal Government, reported as committed Senate Bill No. 1201, (House Bill No. 1372), entitled:

An Act to amend sections three hundred seventy-one and six hundred seventy, section seven hundred thirty-two as amended, sections seven hundred thirty-three, eight hundred seventy-six and eight hundred ninety-six of and to add section seven hundred thirty-seven to the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L.1278) entitled, "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising, amending and consolidating the laws, relating thereto," further regulating tax levy bond issues, appropriations and the procedure for rebuilding bridges in such county.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 477, entitled:

An Act to repeal the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 992), entitled "An act prohibiting cities, boroughs, towns, and townships to increase or diminish the salary, compensation or emoluments of elected officers after their election.

Mr. WOLFENDEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1076, entitled:

An Act to amend section one as amended, and sections two and three of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (P. L. 129), entitled "An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor; and regulating and providing for the regulation of the same." requiring cities to make certain appropriations to the police retirement fund; increasing the maximum payments by members; and generally clarifying the provisions of said act.

Mr. RODGERS, from the Committee on Appropriations, reported as amended, Senate Bill No. 494, (House Bill No. 557), entitled:

An Act making an appropriation the the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes.

Mr. JACOBS, from the Committee on Agriculture, reported as committed, Senate Bill No. 1015, (House Bill No. 1565), entitled:

An Act to amend the act, approved the thirteenth day of May, one thousand nine hundred and nine (P. L. 520), entitled "An act relating to food; defining food, providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commission in reference thereto; and providing penalties for the violation thereof," as amended; further regulating the adulteration and misbranding of food; providing for injunctions against the sale of food in certain cases; and changing penalties.

Mr. CAVALCANTE, from the Committee on Municipal Government reported as committed, Senate Bill No. 575, (House Bill No. 602), entitled:

An Act to amend section one thousand one hundred and two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," empowering directors of departments to appoint persons employed in their departments; and assigning the fire department to the department of public safety.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1238, entitled:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and dutes; and making an appropriation.

Mr. DiSILVESTRO, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1057, House Bill No. 1261), entitled:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1114, entitled:

An Act to amend section two hundred two of the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the incorporation of boroughs.

Also from the Committee on City Government, rereported as committed, Senate Bill No. 467, (House Bill No. 916), entitled:

An Act to amend section one of the act, approved the seventeenth day of July, one thousand nine hundred nineteen (P. L. 1025), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and nintey-nine (P. L. 184), entitled "An Act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax," by providing for the annual appointment by the Auditor General, of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers.

Also from the Committee on City Government, reported as amended, Senate Bill No. 1027, (House Bill No. 872), entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment fo taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made.

Also from the Committee on City Government, reported as amended, Senate Bill No. 1207, (House Bill No. 2039), entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday, prohibitinig motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental

thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws;" providing for a referendum vote in certain municipalities in the year one thousand nine hundred and thirty-seven and making persons filing petitions liable for the cost of printing ballots.

Mr. KILGALLEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1109, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled, "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing for the beginning of a revolving fund for street, sidewalk and sewer improvements by funds raised from bond issues.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1110, entitled:

An Act to add subdivision (h) to Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing for a revolving fund for permanent street, sidewalk and sewer improvements.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1111, entitled:

An Act to add subdivision (c) to Article twenty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled, "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto" by providing for a revolving fund for street, sidewalk and sewer improvements.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1112, entitled:

An Act to amend subdivision (i) of Article seventeen of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for a revolving fund for street, sidewalk and sewer improvements.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1203, (House Bill No. 1788), entitled:

An Act to amend section five hundred forty-five of the act approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," as amended, providing for the audit of the accounts of justices of the peace.

Also from the Committee on Municipal Government, reported as amended, Senate Bill No. 1200, (House Bill No. 1693), entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances, regulating the location, construction and use of buildings the size of courts and open spaces, the density of population and the use of land.

Mr. McCREESH, from the Committee on City Government, reported as committed, Senate Bill No. 1014, (House Bill No. 1358), entitled:

An Act abolishing the Municipal Court of Philadelphia and transferring actions, books, records, documents and papers in the possession of said court to other courts of the County of Philadelphia.

Also from the Committee on City Government, reported as committed, Senate Bill No. 743, entitled:

An Act to amend sections five, six and twelve of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1050), entitled 'An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by providing for a secretary-treasurer in lieu of a secretary, and a vice president of the board; and establishing a method for determining classification of beneficiaries.

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 233, entitled:

An Act providing medical aid for certain pupils in public and private schools, apportioning funds to various school districts through the Department of Public Instruction and making an appropriation.

Mr. RUPP, from the Committee on County Government, re-reported as amended, Senate Bill No. 723, (House Bill No. 1157), entitled:

An Act to amend section one, section three as amended and sections four, five and nine as added of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled, "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water or non-tidal waters of any river within the Commonwealth, conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws and prescribing penalties," extending said act to motor boats electrically propelled and regulating license fees for such motor boats, providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers.

Mr. SIPE, from the Committee on Agriculture, reported as committed, Senate Bill No. 1062, (House Bill No. 1981), entitled:

An Act to amend the act, approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred sixteen) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbert ice and fruit ice including coated ice ceam and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbert ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" further

regulating the manufacture importation and sale of such products providing for injunctions and changing the penalties prescribed.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 1244, entitled:

An Act making an appropriation to the American Legislators Association, and the Interstate Legislative Reference Bureau.

Which was committed to the Committee on Appropriations.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 1245, entitled:

An Act to define and regulate, as a profession and in the public interest, the practice of public accountancy; to prohibit the practice of public accountancy by unauthorized persons; to establish the Pennsylvania State Board of Accountancy; to grant to the board usual and necessary administrative powers; to define the status of a certified public accountant; to provide for granting and issuing certificates and registration cards to accountants who qualify under and comply with the provisions of this act; to provide for revoking and cancelling or suspending certificates and registration cards; to prescribe the conditions under which partnerships may engage in the practice of public accountancy; to fix the fees to be paid to the State for certificates and registration card; to provide for the annual publication of the names and addresses of the persons and partnerships engaging in the practice of public accountancy; to determine the ownership of professional papers, to recognize certain specifically limited exemptions; to provide penalties for violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions thereof.

Which was committed to the Committee on State Boards.

Mr. REED read in his place and presented to the Chair Senate Bill No. 1246, entitled:

An Act authorizing the Department of Public Instruction to assist school districts whose buildings have been destroyed or damaged; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 1247, entitled:

An Act prohibiting the wilful removal, tearing or cutting down, breaking, mutilating, defacing, destruction or damaging of real estate covered by mortgages or ground rents in default, or houses, buildings, structures, improvements, fixtures, equipment, trees, shrubs, or other appurtenances located or growing on or tached or affixed to such real estate, without the written consent of the holders of such mortgages or ground rents.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 1248, entitled:

An Act to further amend Section 2 of the act approved June twenty, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred twenty-one) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal" as amended by making further provisions as to the deduction of debts in ascertaining the taxable value of estates.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 1249, entitled:

An Act providing for the assessment of benefits against land adjacent to any land taken by a municipality for any municipal purposes including parks or playgrounds and providing for the making of such assessments by the Board of Views and the entry of such assessments as liens.

Which was committed to the Committee on Municipal Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1250, entitled:

An Act authorizing and empowering cities of the first class to purchase or acquire by condemnation proceedings such real estate within the city limits as they may need upon which to erect or construct municipal buildings fire engine houses gas and electric light works and for playgrounds public parks or other municipal purposes (other than laying out opening altering or maintaining roads highways streets or alleys) and within or without the city limits upon which to erect hospitals water works and power houses and for the purpose of a poor farm or farms or penal institutions providing and regulating the procedure in purchase and condemnations the right on the part of the city to rescind such condemnations and governing the time and manner of taking possession.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 1251, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Act No. 108) entitled "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class," by making further provisions relative to the appointment of members of the said board.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 1252, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 1253, entitled:

An Act relating to the admissibility in evidence of the sale price of property in the vicinity of land taken in

eminent domain proceedings under certain conditions and regulating procedure for ascertaining these conditions.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 1254, entitled:

An Act to authorize taxing authorities of political subdivisions to compromise certain taxes owned by corporations or associations operated for charitable and benevolent purposes.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair Senate Bill No. 1255, entitled:

An Act providing for the assessment of costs and expenses of owners and tenants of property which it has been proposed to condemn under the right of eminent domain when the proposed condemnation has been rescinded or abandoned.

Which was committed to the Committee on Municipal Government.

Messrs. DiSILVESTRO and STIEFEL read in his place and presented to the Chair Senate Bill No. 1256, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair Senate Bill No. 1257 entitled:

An act to amend the act approved the ninth day of July one thousand eight hundred and eighty-one (P. L. 162) entitled "An act to prohibit the granting of a license for the sale of liquors to proprietors, licensees, keepers or managers of theatres or other places of amusement" in order to exclude therefrom concert halls in which regular series of symphony orchestra concerts, grand operas and ballets are regularly given by responsible established symphony associations and grand opera companies.

Which was committed to the Committee on Law and Order.

RESOLUTION GRANTING USE OF SENATE CHAMBER TO COMMITTEE ON MINES AND MINING FOR PUBLIC HEARING

Mr. HALUSKA offered the following resolution which was twice read considered and agreed to:

BE IT RESOLVED, that the Senate Chambers be granted to the Committee on Mines and Mining on Wednesday, May 12 at 7:00 p. m. for the purpose of holding a Public Hearing on Senate Bill No. 365 and Senate Bill No. 414, known as the Bituminous Code Bills. The hearing on Bituminous Code to start at 7:00 p. m. and continue until 8:00 p. m. after which the hearing to commence as per the resolution adopted last week on Senate Bill No. 1069 and No. 1119, known as the Anthracite Code Bills.

MOTION TO APPOINT COMMITTEE OF CONFERENCE

Mr. SHAPIRO. Mr. President, I should like to call attention to the fact that on April 28th, on page 3 of the calendar, for concurrence in amendments made by the House. At that time the Senate voted not to concur in the amendments.

I now move that the Senate insists upon its non-currence in its amendments and that a committee of conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 639 on concurrence in House amendments, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CURRENCE IN HOUSE AMENDMENTS

Mr. SHAPIRO. Mr. President, I call up at this time Senate Bill No. 49, on concurrence in House amendments, postponed.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 49, entitled:

An Act to amend clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age con-

tributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto' defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the Court of Philadelphia as a court having such jurisdiction

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

(1) The word "court" as used in this act means the County or Juvenile Court in the County of Allegheny the [Municipal Court in] Family Court of the County of Philadelphia and the court of quarter sessions in all other counties of this Commonwealth

Section 2 This act shall become effective immediately upon final enactment

Said amendments having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Henney,	McCreesh,	Rodgers,
Dando,	Huffman,	McGinnis,	Rupp,
Dent,	Jacobs,	Mundy,	Ruth,
DiSilvestro,	Jaspan,	Pytko,	Shapiro,
Frey,	Kilgallen,	Rankin,	Sones,
Erce,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Haluska,	Law,		

NAYS—14

Bean,	Gelder,	Owlett,	Scarlett,
Buckman,	Heyburn,	Pierson,	Wolfenden,
Chapman,	Homsher,	Salus,	Woodward,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 903 (House Bill No. 1043), as follows:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for state purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended is hereby re-enacted amended or further amended as the case may be to read as follows

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Departmnet of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section heading shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation [and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State [purposes] purposes at the rate of [four] four mills on each dollar of the value thereof [eight and one thousand nine hundred thirty-nine and thereafter for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof]

as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all ground rents all moneys owing by the solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section [eighteen] seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution [building and loan association] corporation or limited partnership liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] and the principal value of all annuities [yielding annually over two hundred dollars ($200.00)] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor in interest-bearing accounts in any bank or banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four] four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four] four mills tax on any of the said securities bonds or other evidence of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint-stock associations liable to [tax on capital stock] a tax on their shares or a capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated [hereafter] received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes"

[The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in the case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein]

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning [such property] each of the different classes of property whether or not taxable enumerated in the third section of this act owned or held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment

and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The department shall on or before the fifteenth day of January one thousand nine hundred [thirty-seven] thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and [assessed] returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 [Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the amount of the tax due Any resident against whom an estimated assessment is made who shall fail or refuse to file a return and compute and pay the tax interest and penalty in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter or defense whatsoever If any resident shall file a return before an estimated assessment is made but not within the time required by this act such resident at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the tax due

Section 7 Additional] Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax [thereon] due the Commonwealth as required in this act the department shall make an [additional] assessment of tax against such resident [on] of the amount of [such omitted property] tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such [additional assessment] tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the [additional] assessment so made he may petition for a re-assessment in the manner hereinafter provided

Section [8] 7 Assessments Made at Any Time Within Five Years An [additional assessment or estimated] assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous [additional or estimated] assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section [9] 8 Petition for Re-assessment Appeal (a) Any resident against whom an [additional] assessment is made may petition the department for a re-assessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such [additional] assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings [in each county] as may be necessary to hear and determine petitions for re-assessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for re-assessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the [additional] assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for re-assessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of fact shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for re-assessment he shall have the right to appeal to the court of common pleas of the [proper] county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for re-assessment and to file a petition for re-assessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground or defense which might have been determined either by the department or the court of common pleas as aforesaid in all cases of petitions for re-assessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section [10] 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or

clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest [and penalties] as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit the date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgage and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department.

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office. Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied. The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section [11] 10 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and

Section 11 Due Date All taxes [whether a report is filed as herein required or whether an estimated or additional assessment is made by the department] imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section 13] 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of [twelve] six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section [14] 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act shall as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section [15] 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth [and] to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowances of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section [16] 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section [ten] nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section [ten]

nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section [ten] nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section [17] 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any return investigations hearings or verifications required or authorized by this act [and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department] shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section [18] 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine on reports filed for the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred forty and every year thereafter on reports filed for the calendar years one thousand nine hundred thirty-nine or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-nine) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred [thirty-six[thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred [thirty-five] thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-five] thirty-seven and for every year thereafter [at the rate of one mill on each dollar of the nominal value thereof and during the calendar year one thousand nine hundred thirty-seven on reports filed for the calendar year one thousand nine hundred thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred thirty-six at the rate of four mills on each dollar of the nominal value thereof which tax shall be in addition to the tax imposed for section seventeen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) and its amendments or supplements] Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are as-

sumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any de duction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the [four mills] tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the [four mills] tax imposed herein on any of [the said] such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and benefical societies labor unions and labor unions relief associations and all benefical organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

[Section 19 Collection of Tax The tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax imposed for State purposes upon such obilgations by section seventeen of the act approved the seventeenth day of June one thousand nine hundred thirteen (P. L. 511) and its amendments or supplements it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act]

Section 18 Reports and Payment of the State Tax by Private Corporations and Municipalities (a) It shall be the duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except non-profit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bond certificate or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations.

Section [21] 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section [22] 20 [Effect on Other Acts of Assembly Nothing contained in this act shall be deemed to repeal or modify the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments or supplements The taxes imposed by this act shall be in addition to all other taxes which are now or hereafter imposed by law] Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Sections seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes

of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for rasing revenue for State purposes" and their amendments are hereby repealed

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section [23] 21 Effective Date This act shall become effective immediately upon its final enactment and [shall remain] be in force for the assessment and collection of taxes under section three of this act for the calendar [years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the value thereof] years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine and for the collection of taxes under section [eighteen] seventeen of this act [during the calendar years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the nominal value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the nominal value thereof on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or, for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six] for the calendar [year one thousand nine hundred thirty-eight on reports filed] year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar [year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven) and for every year thereafter

Section 2 This act shall become effective immediately upon its final enactment

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. OWLETT. Mr. President, I desire to interrogate the Chairman of the Committee on Finance, Mr. Rankin.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rankin, permit himself to be interrogated?

Mr. RANKIN. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Allegheny, Mr. Rankin, why it is that the title of this act has been amended by taking out the notice that this bill taxes not only the personal property, but also the value of certain equitable interests.

Mr. RANKIN. Mr. President, I do not know why it was taken out.

Mr. OWLETT. Mr. President, when this bill was before the Senate, as the members will recall, we discovered that for some unknown reason the draftsman of the bill, and this is known as an Administration bill, it removed the provision which was designed to prevent the removal outside of the State of Pennsylvania of personal property for the purpose of escaping this tax. The attention of the Senate was called to the fact that this tax without that provision enabled wealthy people, who were able to hire lawyers, to move their personal property into a trust fund outside of this State and escape the personal property tax. When that was called to the attention of this Senate, we inserted a provision which had been inserted two years ago taxing the equitable interest of such personal property. The act was also very properly amended by amending the title as well.

Mr. President, we also amended the title giving notice that this clause was in the bill. The bill went over to the House for concurrence in our amendments and it was approved by the House and sent to the Governor; then, very quietly, a resolution is brought into this Senate to recall the bill from the Governor for the purpose of amendments, we discovered today that the amendment slipped in is taking out of the title the notice that we are taxing this proprety that is being moved out of the State of Pennsylvania to escape the tax.

Now, Mr. President, it is not necessary to argue that the title must give notice as to what this act does. I ask the members of the Senate to consider who is back of this attempt to permit the wealthy people of this Commonwealth to move their property outside of the State of Pennsylvania to escape this tax. There is somebody in this Administration who is going by hook or crook to make it possible that the wealthy people of this State escape this personal property tax by creating trusts outside of the State. They first tried to do it by taking this clause out of the act entirely, and when the chairman of the Finance Committee of this Senate asked the Department of Revenue to give them a resume of the changes in this act, they had before them, they never mentioned the fact that they are taking out this provision to prevent the removal of property out of Pennsylvania, and when we catch them on that and the Senate restores it, then they slip in another amendment to take it out of the title and make it ineffective.

Mr. President, I move that this bill be placed on the postponed calendar until amendments can be prepared striking out the brackets which remove from the title this exemption of property set up in the trusts outside of the State of Pennsylvania.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, this bill is on the calendar for the purpose of concurrence in the House amendments, and the only question before the Senate is the concurrence in those amendments.

The PRESIDENT. The point of order is not well taken. You can postpone action on it or permit it to go over in order.

Mr. OWLETT. Mr. President, I will withdraw my motion and ask the Senate to refuse to concur in the House

amendments. The issue can be made in this way: The House, as I understand it when it is recalled from the Governor, has put in an amendment striking out from the title this notice that we are taxing trust estates outside of the State of Pennsylvania. I, therefore, move, Mr. President, that we refuse to concur in the amendments of the House.

Mr. DENT. Mr. President, I second the motion.

The PRESIDENT. The motion is unnecessary in the judgment of the Chair. A direct vote on the amendments will determine the issue one way or the other; there is an affirmative motion before the Senate.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga, Mr. Owlett, state whether or not it is true when this bill originally came before the Senate, there was no provision dealing with a tax on these trust estates outside of the State of Pennsylvania?

Mr. OWLETT. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, and therefore, at that time there was no such provision in the bill.

Mr. OWLETT. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga state whether it is not true that that provision was put in and a notice to that effect was put in the title.

Mr. OWLETT. Mr. President, for the information of my colleague the Senator from Philadelphia, I desire to call attention to the fact that notice of the amendment was inserted by my motion restoring the clause. My motion did not include, through error, also an amendment to the title. In other words, the title referred to was retained, and we merely inserted in the body of the bill giving notice of the taxing of equitable interests, then the Chairman of the Senate Committee on Finance handed a further amendment to amend the title to see that this was included in the body, it very properly had to be included in the title, so that we again amended it and put this provision in the title, and then it was sent over to the House with the body of the bill amended and the title amended, and the House concurred in these amendments. Then it was, for some reason recalled from the Governor and again taken out of the title.

Mr. SHAPIRO. Mr. President, will the Senator state whether or not it is true that the amendments inserted are not now in the bill.

Mr. OWLETT. Mr. President, the amendment is in the body of the bill but left out of the title. After it was recalled from the Governor there was slipped in an amendment taking out of the title the notice that we are taxing equitable interests.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga state whether this following provision in the title gives sufficient notice, namely, that the bills is for the "collection of said taxes and penalties and interest thereon, and modifying and further defining certain exemptions from said taxes."

Is that not sufficient notice that certain exemptions are permitted by this act?

Mr. OWLETT. Mr. President, in answer to the Senator from Philadelphia, I wish to call the attention of the Senate to a matter which I think might answer the Senator's question. The title read before we inserted these amendments several weeks ago "An Act to provide revenue for State purposes, imposing taxes upon certain classes of personal property, providing for the assessment, collection and lien of the same, and the distribution of the proceeds thereof." Then we inserted "And on the value of certain equitable interests," so that it then read: "An Act to provide revenue for State purposes, imposing taxes upon certain classes of personal property and on the value of certain equitable interests." Now, that has to do with the cause of the insertion in this bill. After the recall from the Governor, "And on the value of certain equitable interests" is removed from this act, so that the act again reads "Imposing a tax upon certain classes of personal property," although they have not in this printer's number 843, restored the brackets which we took out by the amendment on the floor of the Senate several weeks ago.

Mr. SHAPIRO. Mr. President, and equitable interests are still taxed in this bill?

Mr. OWLETT. Mr. President, in the body of the bill, but they are taken out of the title, and everyone knows Mr. President, that an act is void which attempts to do something of which the title does not give notice that it is doing, and I submit, Mr. President, with that amendment out of the title, anybody that moves his property down to Delaware to get out of this eight-mill tax will simply have to raise before the court the question that there is no notice here of taxing the value of certain equitable interests."

Mr. SHAPIRO. Mr. President, this bill and this title are in exactly the same condition as they were in 1936, when we taxed equitable interests. As a matter of fact, the title and the provision were in, and it did not require any special notice, and as the bill is framed, it takes in certain personal property, and sufficient notice has been given. The Attorney General's Department is evidently of the opinion that this title as presently constituted covers the subject matters of the bill, and I think that no lawyer who wants to bring the question on the matter should not use it for the purpose of making that political capital. They can understand when the bill taxes personal property that they are only taxes for two additional years imposed on ground rents making further provision for the assessment and collection of said taxes, and it is sufficient notice to the world as to what this bill contains. It is in the same condition as it was in 1936 when this bill was voted on and passed by the Senate and when the same provision which is now in the bill was in the bill in its original form, and I do not think the Senate should hold up action on this bill now because of the Senator's objection. For two years we have worked under the old bill and it taxes the same subject matter.

Mr. OWLETT. Mr. President, in answer to the Senator from Philadelphia, Mr. Shapiro, I want to call his attention that they have not collected any taxes on property that has been moved out of the State in trusts; I have been so advised by the Revenue Department. Certainly no one can deny that this matter was in the title in the original bill and that we then attempted to bring in this property by putting in a provision to prevent them from escaping taxation and no one can deny that this sub-

ject matter was in this title and that it makes it very much clearer.

I would like to ask the Senator from Philadelphia if it is not a fact that the ownership of any personal property located outside of the State and the ownership of any equitable interests in that personal property are taxed. It is a pretty close question.

Mr. SHAPIRO. Mr. President, the Supreme Court will have to have the last guess on that.

Now, Mr. President, are we going to, in one breath, insert a clause designed to prevent people from removing property out of the State of Pennsylvania, and in another breath take out an amendment to the title and fix it so that there is a grave question whether or not you have given them notice. Mr. President, I say when you consider the insert in this bill and how this stuff was taken out and the Senate Committee on Finance never notified about it, there is a "nigger in the wood pile." There is something wrong about this personal property tax, there is somebody who wants to escape taxation under this bill, and I say right before the Senate now, we ought to determine whether we are going to help them or not.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I think that is a very unfair statement; however, as we want everybody to vote for this bill, I ask that the bill go over until tomorrow.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 413, as follows:

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 481) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 481) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" as amended in part by the act approved the seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws 174) is hereby further amended to read as follows

Section 6 Applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses shall be citizens of the United States of good moral character and of known temperate habits at least twenty-three years of age and shall have had an aggregate of at least five years' practical experience after sixteen years of age as miners or mining engineers or men of general work inside of the bituminous mines [of the United States of which five years there must be not less than two years' practical experience inside of the bituminous mines] of Pennsylvania Provided That graduates in the coal mining course of a recognized institution of learning may after examination be granted certificates of qualification by the examining board as mine foremen assistant mine foremen and fire bosses if possessed of an aggregate of not less than three years' practical experience as miners [or mining engineers] or men of general work inside of the bituminous mines of Pennsylvania Applicants for certificates of qualification as first grade mine foremen first grade assistant mine foremen and fire bosses shall also have had experience in bituminous mines in Pennsylvania that generate explosive gas

All applicants shall be able to read and write the English language intelligently and shall furnish the board with certificates as to their character and temperate habits which certificates shall also show the length of service in the different mines

Certificates of qualification as mine foremen shall be of two grades namely Certificates of first grade shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in gaseous mines and who shall have received an average of at least eighty per centum in [the] each examination Certificates of second grade shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in nongaseous mines and who shall have received [an average of] at least eighty per centum in the second grade examination

Certificates of qualification as first grade assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen in gaseous mines and who shall have received an average of at least seventy per centum in [the] each examination

Certificates of qualification as second grade assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen in nongaseous mines and who shall have received at least seventy per centum in the second grade examination

Certificates of qualification as fire bosses shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of fire bosses in gaseous mines and who shall have received an average of at least [sixty-five per centum] seventy-five per centum in the examination Provided however That all applicants who have passed a satisfactory written examination shall also pass a satisfactory oral examination but the examining board shall have authority to exempt any applicant from the oral examination for justifiable reasons

Section 2 Section ten of said act is hereby amended to read as follows

Section 10 It shall be unlawful for any operator manager or superintendent to employ as mine foreman in a bituminous mine or as assistant mine foreman in a

bituminous [gaseous] mine any person who has not obtained the proper certificate of qualification required by this act [unless such person is in the judgment of the operator equally competent with the persons who are holders of such certificates] Provided That certificates of qualification or service heretofore granted shall have equal value with certificates of qualification granted under this act And it shall be unlawful for any operator manager superintendent or mine foreman to employ as fire boss in a bituminous mine any person who has not obtained the proper certificate of qualification under this act [unless such person is in the judgment of the operator equally competent with the persons who are holders of such certificates] Provided That certificates of qualification as fire boss granted under the acts of June nine one thousand nine hundred and eleven (Pamphlet Laws seven hundred and fifty-six) and May fifteen one thousand eight hundred and ninety-three (Pamphlet Laws fifty-two) shall have equal value with certificates of qualification granted under this act

Provided however That in an emergency the mine foreman may deputize temporarily a competent person or persons to act as shot-firers or machine runners but this authority shall not be exercised by the mine foreman so long as certified shot-firers or certied machine runners are available in the mine

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Huffman,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Eroe,	Kunkel,	Reed,	Thompson,
Gelder	Lanius,	Rice,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 655 (House Bill No. 228) on final passage, entitled:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 797, (House Bill No. 1560), as follows:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and prescribing penalties and providing for injunctions in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases unless the context clearly indicates otherwise shall have the meaning ascribed to them in this section

"Bottling establishment" includes all buildings rooms basements cellars lofts or other premises or parts thereof used occupied or maintained in this Commonwealth for the purpose of manufacturing preparing keeping storing handling or distributing in any manner nonalcoholic drinks or liquid foods in bottles cans or other containers for sale

"Department" means the Department of Agriculture of this Commonwealth

"Liquid Foods" includes not only every liquid article used for food by man but also every liquid article used for or entering into the composition of or intended for use as an iingredient in the preparation of food for men

"Non-alcoholic drinks" includes all non-alcoholic drinks whether simple mixed or compound and all substances and ingredients used in the preparation thereof

"Person" includes any partnership association or corporation as well as a natural person

Section 2 It shall be unlawful for any person to manufacture prepare or bottle non-alcoholic drinks or liquid foods in an unclean unsanitary establishment or under unclean unsanitary conditions or to use unsanitary ingredients bottles receptacles or utensils

Section 3 Every bottling establishment bottling non-alcoholic drinks subject to the provisions of this act shall be maintained and operated with strict regard for the purity and wholesomeness of the non-alcoholic drinks and liquid foods therein produced or distributed In order to protect the public health such establishments shall be maintained and operated pursuant to the following general requirements

(a) The entire bottling establishment and its immediate appertaining premises including the fixtures and furnishings the machinery apparatus implements utensils and receptacles used in the production keeping storing handling or distributing of the non-alcoholic drinks or liquid foods or of the materials used therein shall be maintained and operated in a clean sanitary manner

(b) The non-alcoholic drinks or liquid foods and the materials used therein shall be clean wholesome and protected from any foreign and injurious contamination which may tend to render said non-alcoholic drinks and liquid foods unfit for human consumption

(c) The clothing habits and conduct of the employes shall be conducive to and promote cleanliness and sanitation

(d) There shall be proper suitable and adequate toilets and lavatories constructed maintained and operated in a clean and sanitary manner

Section 4 It shall be unlawful for any person to manufacture prepare or bottle non-alcoholic drinks or liquid foods in bottles cans or other containers upon the label or crown of which is printed the name of another bottler or manufacturer or on which is blown or imprinted or stamped the nameof another bottler or manufacturer

Section 5 The Department of Agriculture shall enforce and adopt rules and regulations to carry out the provisions of this act

Section 6 The department through its duly authorized officers inspectors agents or other assistants shall be permitted at all reasonable times to inspect any bottling establishment or part thereof together with its operation Any person refusing or interfering with such inspection shall upon conviction be punished as provided in this act

Section 7 All bottles used for bottling liquid foods or non-alcoholic drinks before being filled shall be cleansed by soaking in a hot caustic solution of not less than one

hundred and ten degrees Fahrenheit that shall contain not less than three per centum of caustic or alkali expressed in terms of sodium hydrate or its equivalent in cleansing and germicidal effectiveness for a period of not less than five minutes then thoroughly rinsed in pure water The cleansing solution shall be changed frequently so as to prevent its becoming foul and unsanitary

Section 8 Any person who shall violate any of the provisions of this act or any rule regulation or order of the department made pursuant to this act shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not less than thirty days nor more than sixty days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 9 The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in the Court of Common Pleas of Dauphin County for the purpose of enjoining any person violating any of the provisions of this act from bottling any nonalcoholic drinks and liquid foods in this Commonwealth and for such purpose jurisdiction is hereby conferred upon said court In such cases the Attorney General shall not be required to give bond

Section 10 All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

Section 11 The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 468) entitled "An act for the protection of the public health by providing clean sanitary establishments for bottling non-alcoholic drinks including clean sanitary ingredients bottles receptacles and utensils and providing penalties for the enforcement thereof" is hereby repealed

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Scarlett,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gelder,	Kunkel,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 944, as follows:

An Act to further amend section eleven of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by exempting certain organizations from the provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 871) is hereby further amended to read as follows

Section 11 This act shall not apply to the National American Red Cross the American Legion the Boy Scouts of America or the Girl Scouts of America or any of their local units operating within the Commonwealth or whose property is exempt from taxation as an institution of learning benevolence or charity nor to fraternal and veteran's organiations incorporated under the laws of the Commonwealth religious organizations raising funds for religious purposes colleges schools universities labor unions municipalities or subdivision thereof nor to charitable institutions or agencies required by the provisions of existing law to file reports with the Department of Welfare or with any other departmet or office of the Commonwealth

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 975, (House Bill No. 1572) on final passage entitled:

An Act to amend sections one, eight, eleven and thirteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled, "An act regualting the construction, equipment, maintenance, operation and inspection of boilers, granting certain authority to and imposing certain duties upon the Department of Labor and Industry, providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act," extending the provisions of said act to unfired pressure vessels.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 199 on third reading entitled:

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases and the exemption for the canning industry imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 214, entitled·

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases and defining the powers of the court in such cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bean,	Gelder,	Lanius,	Rupp,
Cavalcante,	Gilson	Law,	Ruth,
Chapman,	Haluska,	McCreesh,	Salus,
Dando,	Henney,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,

NAYS—6

Buckman,	Homsher,	Owlett,	Pierson,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 289 (House Bill No. 150) on third reading, entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 831) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners".

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading an consideration of Senate Bill No. 314, entitled:

An Act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (P. L. 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rice,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Hennev	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 339, entitled:

An Act to amend the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (P. L. 205) entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore consolidated and merged" by making the same applicable to the surviving company in case of a merger

and by modifying the limitations restrictions and conditions affecting the issue of stock and bonds.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rice,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 406 on third reading entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 566 on third reading entitled:

An Act relating to the collection of county borough town township school and poor taxes in boroughs towns and townships providing for the fixing of the compensation or salary of tax collectors and township treasurers acting as tax collectors imposing certain costs and expenses including premiums on bonds and the compensation of certain deputies and clerks on taxing districts providing for a joint fidelity bond for all tax collectors and township treasurers and providing for the delivery of duplicates to successors in office in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 594, (House Bill No. 744), entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress approved the twenty-ninth day of June one thousand nine hundred thirty-five (Public Act No. 182 74th Congress).

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. EALY. Mr. President, I desire to interrogate the Chairman of the Committee on Agriculture.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. EALY. Mr. President, I wish the chairman of the Committee on Agriculture would explain briefly the purpose of the Act of Congress referred to in this bill.

Mr. HEYBURN. Mr. President, this bill, Senate Bill 594, House Bill 744, is merely an expression of assent to the Federal Appropriation, appropriated to the Land Grant College, State College. In former years, I understand, the appropriation had to be matched by Pennsylvania and under this present bill it will be a gift from the Government of the United States without any matching whatsoever, on the part of Pennsylvania. It is merely a bill to accept that appropriation from the Government.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Rupp,
Chapman,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Salus,
Deitrick,	Homsher,	Mundy,	Scarlett,
Dent,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent that Senate Bill No. 675, on third reading, entitled:

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones conferring additional powers and duties upon the Department of Revenue counties municipalities and certain persons firms and corporations including public service companies restricting existing remedies and providing additional remedies making an appropriation from the Motor License Fund and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 686, (House Bill No. 1071), as follows:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation

Whereas the Commonwealth of Pennsylvania holds a recognized position as leader in Aeronautical Law and in the establishment or supervision of airports and terminal and intermediary landing fields and

Whereas it is the desire of the Commonwealth to keep abreast of the progress in commercial aviation to encourage the use of its airways and airports for interstate and intra-state aeronautical commerce and to promote safety in aviation therefore

Section 1 Be it resolved by the Senate and House of Representatives in General Assembly met That there is hereby created a Commission which shall be composed of two members of the Aeronautics Committee of the House of Representatives to be designated by the Speaker of the House and two members of the Aeronautics Committee of the Senate to be designated by the President Pro Tempore of the Senate whose duty it shall be to make a thorough survey of the topography of the Commonwealth and make recommendations based on such survey with regard to acquiring setting up and maintaining

(1) Emergency and intermediary landing fields

(2) Radio and air wave facilities and

(3) A program designed to eliminate obstructions adjacent to or in the vicinity of existing or proposed landing fields.

Section 2 The Commission shall make and file its final report and recommendations to the Executive Board of the Commonwealth not later than July 15 1937

Section 3 The sum of twenty-five hundred dollars or so much thereof as may be necessary is hereby specifically appropriated to the Commission for the payment of expenses of the members of the Commission and for such clerical stenographic and engineering services and for such other expenses deemed proper and necessary by the Commission

Section 4 This Resolution shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bean,	Haluska,	Law,	Rice,
Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Howell,	McCreesh,	Ruth,
Deitrick,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Ealy,	Kilgallen,	Pytko,	Sones,
Frey	Kunkel,	Rankin,	Stiefel,
Gilson,	Lanius,	Reed,	Thompson,

NAYS—10

Chapman,	Homsher,	Rupp,	Scarlett,
Gelder,	Owlett,	Salus,	Wolfenden,
Heyburn,	Pierson,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 699, (House Bill No. 1297), entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county city borough town school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Haluska	Lanius,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,			

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 715 (House Bill No. 1032), entitled:

An Act to amend section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for county airports.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I move to reconsider the vote by which this bill passed second reading.

Mr. PIERSON. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on second reading?

Mr. CHAPMAN. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. PIERSON. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the title?

Mr. CHAPMAN. Mr. President, I move to reconsider the vote by which the second section of the bill was agreed to.

Mr. PIERSON. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the section?

Mr. CHAPMAN. Mr. President, I move to reconsider the vote by which the first section of the bill was agreed to.

Mr. PIERSON. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the section?

Mr. CHAPMAN. Mr. President, I move to amend Sec. 1 (Sec. 492), page 2, line 11, by inserting after the word "lease" the following: "or"; amend Sec. 1 (Sec. 492), page 2, lines 11 and 12, by striikng out the words "or condemnation proceedings"; amend Sec. 1 (Sec. 492), page 2, line 17, by inserting after the word "lease" the following: "or"; amend Sec. 1 (Sec. 492), page 2, lines 17 and 18, by striking out the words "condemnation proceedings"; amend Sec. 1 (Sec. 492), page 2, lines 22, 23 and 24, by striking out all of said lines.

Mr. PIERSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. LAW. Mr. President, I wish to interrogate the Senator from Warren, Mr. Chapman.

The PRESIDENT. Will the Senator from Warren, Mr. Chapman, permit himself to be interrogated?

Mr. CHAPMAN. Mr. President, I will.

Mr. LAW. Mr. President, will the Senator from Warren, Mr. Chapman, state the purpose of the amendment.

Mr. CHAPMAN. Mr. President, the purpose is to strike out the power of eminent domain.

Mr. LAW. Mr. President, it seems to me if we take away the power of eminent domain in the acquisition of airports we practically destroy the purpose of the bill, because you allow some individual who desires to tie up the construction of the airport by insisting on a large premium for the purchase of his property to hold it up for ten times what it is worth; in other words, it gives him an opportunity to practically blackmail the official body constructing the airport; in fact buying his property at his own price.

And the question recurring.

Will the Senate agree to the section?

The yeas and nays were required by Mr. SHAPIRO and Mr. MUNDY, and were as follows, viz:

YEAS—17

Bean,	Ealy,	Jacobs,	Rupp,
Buckman,	Gelder,	Mallery,	Salus,
Chapman,	Heyburn,	Owlett,	Sones,
Deitrick,	Homsher,	Pierson,	Wolfenden,
Dent,			

NAYS—26

Cavalcante,	Henney,	McCreesh,	Rodgers,
Dando,	Huffman,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Haluska,	Law,		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the section?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2 This act shall become effective immediately upon its final anactment.

The title of the bill was read as follows and agreed to.

An Act to amend section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for the county airports.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 809, entitled:

An Act to amend section three of Article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments trusts and officers regulating commitments by officers and providing for the audit of firemen's pension funds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended to read as follows

Section 3 (a) [The city controller shall prescribe the form of reports and accounts to be rendered to his department and shall have entire charge and supervision of] [the accounts of all other departments and trusts All employes engaged in the keeping of any of the books or accounts prescribed by the city controller or forming part of the city's bookkeeping system shall be under the control and supervision of the city controller] In addition to all other powers and duties the city controller shall

(1) Keep all accounting or financial records of all departments and trusts of the city government and of all other departments and trusts the expenses of which are paid out of the city treasury and of all boards of directors of city trusts in such city whether heretofore or hereafter created

(2) Have power to require such additional and supporting accounting or financial records to be kept and to be rendered to his department by the other departments and trusts of the city government and by all other departments and trusts the expenses of which are paid out of the city treasury and by all boards of directors of city trusts in such city whether heretofore or hereafter created as may to him seem necessary and shall prescribe the nature form and extent of all such supporting records He shall have complete supervision and control over such records and accounts All employees engaged in the keeping of any of the books or accounts prescribed by the city controller or forming part of the city's bookkeeping system shall be under the control and supervision of the city controller

(3) Have power to prohibit the keeping of any accounting or financial records by any department or trust or by any board of directors of city trusts in such city whether heretofore or hereafter created except those provided for in this section

(4) Have supervision and control over the manner of all expenditures and shall not approve any warrant commitment or any contact involving the payment of money by any department or trust or by any board of directors of city trusts in such city whether heretofore or hereafter

created unless there are funds available for the payment of such commitment in the specific item of appropriation made therefor

(5) Have supervision and control over the form of all vouchers and warrants and shall prescribe the manner of payment thereof

(6) Have supervision and control over the manner method and place of payment of all bills for amounts due and payable into the city treasury and shall prescribe the form and method of preparing all bills and receipts

(7) Have supervision and control over all payrolls All paymasters and the place of all payments shall be in the controller's department under his exclusive control

(b) He shall audit accounts of the several departments and trusts including the accounts of any board of directors of city trusts in such city whether heretofore or hereafter created and all other accounts in which the city is concerned and submit annually to the council in such manner as may by ordinance be directed a report of the accounts of the city verified by his oath or affirmation exhibiting the assets liabilities and net worth of the city at the close of the preceding year and the revenues expenses other expenditures receipts and disbursements of the preceding year including the sources from which the revenues and receipts were derived and in what manner the same were disbursed which report shall be published in pamphlet or book form

(c) He shall maintain a complete and modern system of accounting that will at all times reflect the financial condition of the city and shall keep separate accounts for each specific item of appropriation made by the council to each department and require all warrants to state specifically against which items the warrant is drawn Each account shall show in detail the several appropriations made by the council the amount drawn on each appropriation the unpaid contracts charged against it and the balance standing to the credit of the same

(d) He shall not suffer any appropriation to be overdrawn or the appropriation for one item to be drawn upon for any other purpose or by any department other than that for which the appropriation was specifically made except on transfers made by ordinance of council

(e) He shall not approve any expenditure nor countersign any warrant for the payment of moneys out of the city treasury as the result of any commitment made by any officer or officers for the purchase of supplies where no appropriation to cover such purchases was made unless such proposed purchase shall have first been submitted to and approved by the city controller All commitments made by any officer or officers contrary to this clause shall be null and void and shall not establish any valid claim against the city

(f) If any warrant presented to the city controller contains an item for which no appropriation has been made or there shall not be a sufficient balance of the proper fund for the payment thereof or which for any other cause should not be approved he shall notify the proper department of the fact and if the city controller shall approve any warrant contrary to the provisions hereof he and his sureties shall be individually liable for the amount of the same to the holder thereof

(g) Whenever a warrant or claim shall be presented to him he shall have power to require evidence that the amount claimed is justly due and for that purpose may summon before him any officer agent or employee of any department of the city or any other person and examine him upon oath or affirmation relative to such warrant or claim

(h) He shall also perform all duties required of him by law or ordinance not inconsistent with the provisions hereof

(i) It shall be the duty of the controller of cities of the first class to audit annually all the accounts of Firemen's Pension Funds of cities of the first class receiving appropriations from the State. In default of such an annual audit by the controller no further appropriation shall be made by the State to Firemen's Pension Funds of cities of the first class.

Section 2 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 3 This act shall take effect immediately upon its final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. STIEFEL. Mr. President, I ask unanimous consent to amend line 8 of the title by striking out the word: "trusts"; amend line 19 o fthe title by striking out the words: "by officers"; amend page 2, section 3, line 16 by striking out the words: "and trusts"; amend page 2, section 3, line 17 by striking out the words: "and trusts"; amend page 2, section 3, lines 18, 19 and 20 by striking out the words: "and of all boards and di-" in line 18, all of lines 19 and 20 inclusive; amend page 2, section 3, line 24 by striking out the words: "and trusts" and "and by all"; amend page 2, section 3, line 25 by striking out the words: "other departments and trusts"; amend page 2, section 3, lines 26, 27 and 28 by striking out the words in line 26: "and by all boards of" and all of lines 27 and 28 the words "or hereafter created"; amend page 3, section 3, lines 8, 9 and 10 by striking out the words in line 8: "or trust" all of line 9 and the words "city whether heretofore or hereafter created" in line 10, inserting in lieu thereof "the expenses of which are paid out of the City Treasury"; amend page 3, section 3, lines 15, 16 and 17 by striking out the words in line 15; "or trust or by any board of di-" in line 15, all of line 16, and the words "hereafter created" in line 17; amend page 3, section 3, line 14 by striking out the word "contact" and insert in lieu thereof:: "contract"; amend page 5, section 3, lines 7 and 8 by: striking out chase" and insert in lieu thereof: "commitment"; amend page 5, section 3, line 9 by striking out the word "purchase" and insert in lieu thereof: S "commitment"; amend page 5, section 3, line 11 by striking out the words: "made by any officer or officers"

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 837 (House Bill No. 753), on third reading, entitled:

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting

and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 843 (House Bill No. 1562), as follows:

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where the Commonwealth through the Department of Highways shall have heretofore in accordance with law expended moneys for the construction reconstruction or maintenance of any State highway located in any borough and in accordance with the provisions of an act of Assembly or an agreement between the Commonwealth and the borough shall have charged a portion of the cost of such construction reconstruction or maintenance to the borough and such claim remains unpaid and has been [reduced to judgment by] referred by the Department of Highways to the Department of Justice for collection the Attorney General on behalf of the Commonwealth and with the approval of the Auditor General and State Treasurer may enter into an agreement with the borough against which such [judgment has been obtained] claim is outstanding for the payment of such [judgment] claim in installments Such agreement may be made whenever it appears that the borough is unable to pay the [judgment] claim at once by reason of its financial condition and shall provide for the liquidation of such claim before or after being reduced to judgment in definite payments over a period not exceeding five years If it shall appear that the borough by reason of its financial condition would be unable to pay the full amount of such [judgment] claim in installments over a period of five years the Attorney General with the approval of the Auditor General and State Treasurer may compound or settle such [judgment] outstanding claim for such portion thereof as such officers may find the borough to be able to pay over a period of five years and the agreement hereinbefore provided for shall be entered into on the basis of such settlement

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gelder,	Lanius,	Rodgers,
Buckman,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Huffman,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 855 on third reading entitled:

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (P. L. 79) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 860, entitled:

An Act supplementing the act of July twenty-second one thousand nine hundred and thirty-six (P. L. 70) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the one hundred and fiftieth Anniversary of the Framing the Signing the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years one thousand nine hundred thirty-seven one thousand nine

hundred thirty-eight and one thousand nine hundred thirty-nine and making an appropriation.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, I appreciate the purpose of this bill which the sponsor had in mind when he introduced it and I call the attention of the Senators to the fact that this bill carries with it an appropriation of $100,000 for "proper observance of the Anniversary of the Framing, the Signing, the Ratification and the Establishment of the Constitution of the United States and the Establishment of the United States of America under the said Constitution * * *"

I think Mr. President, that the members of the Senate in the last days of this Session should stop to consider the appropriations that are asked for in these bills with the interest of the taxpayer at heart, in the State of Pennsylvania. and with the purpose of at least making some efforts to relieve the taxpayer of his burden. I think they should exercise their judgment by defeating these appropriations. It is inconceivable that this Senate will today appropriate $100,000 of our taxpayers' money for this purpose even as worthy as it may be, and I still think that the State of Pennsylvania cannot afford to appropriate this money.

And the question recurring.

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 860

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 871 as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by conferring on such counties the power to adopt ordinances and resolutions providing for the zoning and regulation of the location height bulk and use of buildings and other structures and of the uses of land and the requirement of building permits in the portions of counties lying outside of cities boroughs and townships of the first class providing for the creation organization powers and duties of county zoning commissions and boards of adjustment imposing duties on the State Planning Board and on State officials departments and agencies and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding immediately after the article heading thereof a new section to read as follows

Section 410 Ordinances and Resolutions The board of commissioners may adopt resolutions and ordinances prescribing the manner in which powers of the county shall be carried out and generally regulating the affairs of the county All such ordinances unless otherwise provided by law shall be published at least once in one newspaper of general circulation in the county. Such ordinance shall not become effective until ten days after the publication aforesaid In any case in which maps plans or drawings of any kind are adopted as part of an ordinance the commmissioners may instead of publishing the same as part of the ordinance refer in publishing the ordinance to the place where such maps plans or drawings are on file and may be examined

The board of county commissioners may also prescribe fines and penalties not exceeding three hundred dollars ($300.00) in any instance for the violation of county ordinances which fines and penalties may be collected by suit brought in the name of the county before any justice of the peace in like manner as debts of like amount may be sued for by existing laws

Section 2 The article heading of article six of said act is hereby amended to read as follows

Article VI

County Planning Commission and Zoning

(a) County Planning Commission

Section 3 Article six of said act is hereby amended by adding at the end thereof a new subdivision and sections to read as follows

(b) County Zoning

Section 50.1 Grant of Power The board of county commissioners of any county is hereby empowered in accordance with the conditions and procedure specified in the subsequent sections of this article by ordinance to regulate in any portion or portions of such county which lie outside of the municipalities now having authority to adopt and enforce zoning ordinances the location height bulk and size of buildings and other structures the percentage of lot which may be occupied the size of yards courts and other open spaces the density and distribution of population the uses of buildings and structures for trade industry residence recreation public activities or other purposes and the uses of land for trade industry residence recreation agriculture water supply conservation soil conservation forestry or other purposes

Section 510.2 Zoning Commission In order to avail itself of the powers conferred by this act the board of county commissioners shall appoint a permanent commission of three five or seven members which shall be known as the county zoning commission

Any individual whether in private or ex-officio capacity may be appointed to serve on such commission and the majority of the members thereof shall be individuals who do not hold elective public office The boards of county commissioners of two or more counties may arrange or provide for a joint or common commission and for the purposes of this act any such joint or common zoning commission shall be deemed the zoning commission of each of such counties The board of county commissioners shall provide for reimbursement of the members of the zoning commission for actual expenses incurred and shall provide for the filling of vacancies in the membership of such commission and for the removal of a member for non-performance of duty or misconduct

In any county where a county planning board has been or shall be established the board of county commissioners may in lieu of establishing a zoning commission as provided in this section confer and impose on such planning board the additional power and duty of serving as the county zoning commission with all the powers and duties conferred by this act upon the county zoning commission

Section 510.3 Assistance from State Agencies Personnel The zoning commission is directed to make use of the expert advice and information which may be furnished by appropriate state and federal officials departments and agencies particularly the Pennsylvania State Planning Board and all state officials departments and agencies having information maps and data pertinent to county

zoning are hereby authorized and directed to make the same available for the use of the county zoning commission as well as to furnish such other technical assistance and advice as they may have available for such purpose The zoning commission may employ such trained personnel as the funds provided therefor may permit

Section 510.4 Preparation of Zoning Plan It shall be the duty of the zoning commission of any county to make for certification to the board of county commissioners of such county a zoning plan or plans including both the full text of the zoning ordinance or ordinances and the maps and representing the recommendations of the commission for the regulation by districts or zones of the location height bulk and size of buildings and other structures percentage of lot which may be occupied the size of lots courts and other open spaces the density and distribution of population the location and use of buildings and structurs for trade industry residence recreation public activities or other purposes and the uses of land for trade industry recreation agriculture forestry soil conservation water supply conservation or other purposes

When the efforts of such commission shall have reached the stage of a tentative plan the commission shall hold at least one public hearing on each tentative plan to be separately submitted notice of which hearings shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation in the county The notice shall contain the time and place of hearing and shall specify the place and times at which the tentative text and maps of the zoning ordinance may be examined For the purpose of its public hearing or hearings the commission shall have power to summon witnesses administer oaths and compel the giving of testimony

Before finally adopting and certifying any zoning plan the zoning commission shall submit its tentative plan to the State Planning Board for advice and recommendations The approval of the State Planning Board shall be presumed unless the State Planning Board shall within forty-five days after such submission present its advices and criticisms in respect to such zoning plan

In the event that after such public hearing or hearings and after such submission to the State Planning Board the zoning commission in the light of the developments at such hearing or hearings or the advices and recommendations of the State Planning Board makes changes in its said tentative plan there shall be no requirement of any hearing upon such changes or any submission of such changes to the State Planning Board

Section 510.5 Zoning Ordinance From and after the time when a zoning commission of any county in accordance with the procedure specified in the next preceding section of this article makes adopts and certifies to the board of county commissioners of its county each zoning plan including both the full text of a zoning ordinance and the maps then the board of county commissioners may by ordinance exercise the powers granted to it in section five hundred ten and one-tenth of this act and for the purpose of such exercise the board of county commissioners may divide the territory of the county which lies outside of municipalities which now have authority to adopt and enforce zoning ordinances into districts or zones of such number shape or area as it may determine and within such districts or any of them may regulate the erection construction reconstruction alteration and uses of buildings and structure and the uses of land and may require and provide for the issuance of building permits as a condition precedent to the right to erect construct reconstruct or alter any building or structure within any district covered by such zoning ordinance All such regulations shall be uniform for each class or kind of buildings throughout any district but the regulations in one district may differ from those in other districts

Section 510.6 Method of Procedure After receiving the certification of a zone plan from the zoning commission and before the enactment of any zoning ordinance the board of county commissioners shall hold a public hearing thereon of the time and place of which at least thirty days' notice shall be given by one publication in a newspaper of general circulation in the county Such notice shall state the place at which the text and maps as certified by the zoning commission may be examined The board may conduct consultative hearings or referenda to aid it in determining the desirability of contemplated or recommended regulations No change in or departure from the text or maps as certified by the zoning commission shall be made unless such change or departure shall first be submitted to the zoning commission for its approval or disapproval or suggestions The zoning commission shall have thirty days from and after such submission within which to send its report to the board of county commissioners Provided however That no approval disapproval or suggestions of the zoning commission shall have more than advisory effect or shall in anywise bind the board of county commissioners

Section 510.7 Purposes of Zoning Regulations Such regulations shall be designated and enacted for the purpose of promoting the health safety morals convenience order prosperity or welfare of the present and future inhabitants of the State of Pennsylvania including amongst other things the lessening of congestion in the streets or roads or reducing the wastes of excessive amounts of roads securing safety from fire and other dangers providing adequate light and air preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation water flowage water supply drainage sanitation educatiional apportunities recreation soil fertility food supply protection of the tax base securing economy in governmental expenditures fostering the state's agricultural and other industries and the protection of both urban and non-urban development

Section 510.8 Amendments The board of county commissioners may from time to time amend the number shape boundary or area of any district or districts or any regulation of or within such district or districts or any other provision of any zoning ordinance but no such amendment shall be made or become effective until the same shall have been proposed by or be first submitted for approval disapproval or suggestions to the zoning commission and the Pennsylvania State Planning Board Any proposal approval disapproval or suggestions of the zoning commission or the State Planning Board shall have advisory effect only and not be binding upon the board of county commissioners and unless such zoning commission or State Planning Board shall have transmitted its report upon the proposed amendment within thirty days after the submission thereof to it the board of county commmissioners shall be free to proceed to the adoption of the amendment without further awaiting the receipt of the report of the zoning commission or State Planning Board Before finally adopting any such amendment the board of county commissioners shall hold a public hearing thereon at least thirty days notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county

Section 510.9 Cooperation Between Counties The zoning commission of any county may cooperate with the zoning commissions of other counties and with the planning zoning legislative and administrative authorities of cities boroughs first-class townships or other municipalities either within or without such county with a view to coordinating and integrating the zoning of the county with the planning and zoning of other counties or of municipalities The zoing commission shall also have power to appoint such committee or committees and adopt such rules for the conduct of its business as it may deem proper to effect such cooperation or to more expeditiously and effectively perform its functions

Section 510.10 The Board of Adjustment The board of county commissioners of any county which enacts zoning regulations under the authority of this act shall provide for a board of adjustment of three to five members and for the manner of the appointment of such members Not more than half of the members of such board may at

any time be members of the zoning commission The board of county commissioners shall fix per diem compensation and terms for the members of such board of adjustment which terms shall be of such length and so arranged that the term of at least one member will expire each year Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments The board of county commissioners may appoint associate members of such board and in the event that any regular member be temporarily unable to act owing to absence from the county illness interest in a case before the board or any other cause his place may be taken during such temporary disability by an associate member designated for the purpose The boards of county commissioners of two or more counties may arrange and provide for a joint or common board of adjustment of four or five members which joint or common board of adjustment shall be deemed the board of adjustment of each of such counties

The board of county commissioners shall provide and specify in its zoning or other ordinances general rules to govern the organization procedure and jurisdiction of said board of adjustment which rules shall not be inconsistent with the provisions of this act and the board of adjustment may adopt supplemental rules of procedure not inconsistent with this act or such general rules

Any zoning ordinance of the board of county commissioners may provide that the board of adjustment may in appropriate cases and subject to appropriate principles standards rules conditions and safeguards set forth in the zoning ordinance make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent The commissioners may also authorize the board of adjustment to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they may arise in the administration of the zoning regulations.

Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses All meetings of the board of adjustment shall be open to the public The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record

Section 510.11 Appeals to the Board of Adjustment Appeals to the board of adjustment may be taken by any person aggrieved by his inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning ordinance Appeals to the board of adjustment may be taken by any officer department board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning ordinance The time within which such appeal must be made and the form or other procedure relating thereto shall be as specified in the general rules provided by the board of county commissioners to govern the procedure of such board of adjustment or in the supplemental rules of procedure adopted by such board

Upon appeals the board of adjustment shall have the following powers

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order requirement decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance

(2) To hear and decide in accordance with the provisions of any such ordinance requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass

(3) Where by reason of exceptional narrowness shallowness or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property the strict application of any regulation enacted under this act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property to authorize upon an appeal relating to said property a variance from such strict application so as to relieve such difficulties or hardship provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances

The concurring vote of four members of the board in the case of a five-member board and of three members in the case of a three-member board shall be necessary to reverse any order requirement decision or determination of any such administrative official or agency or to decide in favor of the appellant

Section 510.12 Court Review Any persons jointly or severally aggrieved by any decision of the board of adjustment or any taxpayer or any officer department board or bureau of the county may present to the court of common pleas of the county in which the property concerning which such decision was made is located a petition duly verified setting forth that such decision is illegal in whole or in part specifying the grounds of the illegality Such a petition shall be presented to the court within thirty days after the filing of the decision in the office of the board Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney which shall not be less than ten days and may be extended by the court The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may on application on notice to the board and on due cause shown grant a restraining order The board of adjustment shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made The court may reverse or affirm wholly or partly or may modify the decision brought up for review

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings

Section 510.13 Violations Enforcement and Remedies It shall be unlawful to erect construct reconstruct alter maintain or use any building or structure or to use any land in violation of any regulation in or of any provision of any zoning ordinance or any amendment thereof enacted or adopted by any board of county commissioners under the authority of this act Any person firm or corporation violating any such regulation provision or amendment or any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than ten days or both Each and every day during which such illegal erection construction reconstruction alteration maintenance or use continues shall

be deemed a separate offense In case any building or structure is or is proposed to be erected constructed reconstructed altered maintained or used or any land is or is proposed to be used in violation of this act or of any regulation or provision of any ordinance or amendment thereof enacted or adopted by any board of county commissioners under the authority granted by this act such board the district attorney of the county or any owner of real estate within the district in which such building structure or land is situated may in addition to other remedies provided by law institute injunction mandamus abatement or any other appropriate action or actions proceeding or proceedings to prevent enjoin abate or remove such unlawful erection construction reconstruction alteration maintenance or use

Section 510.14 Non-Conforming Uses The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of a zoning ordinance or in the case of an amendment of an ordinance then at the time of such amendment may except as hereinafter provided be continued although such use does not conform with the provisions of such ordinance or amendment and such use may be extended throughout the same building provided no structural alteration of such building is proposed or made for the purpose of such extension The board of county commissioners may provide in any zoning ordinance for the restoration reconstruction extension or substitution of non-conforming uses upon such terms and conditions as may be set forth in the zoning ordinance The board of county commissioners may in any zoning ordinance provide for the termination of non-conforming uses either by specifying the period or periods in which non-conforming uses shall be required to cease or by providing a formula or formulae whereby the compulsory termination of a non-conforming use may be so fixed as to allow for the recovery or amortization of the investment in the non-conformance

If any county acquire title to any property by reason of tax delinquency and such property be not redeemed as provided by law the future use of such property shall be in conformity with the then provisions of the zoning ordinance of the county or with any amendment of such ordinance equally applicable to other like properties within the district in which the property acquired by the county is located

Section 510.15 List of Non-Conforming Uses Immediately after the adoption of any zoning ordinance or amendment by the board of county commissioners the county zoning commission shall prepare and publish a complete list of all non-conforming uses and occupations existing at the time of the adoption of such ordinance or amendment Such list shall contain the names and addresses of the owner or owners of such non-conforming use and of any occupant other than the owner the legal description or descriptions of the land and the nature and extent of land use After any necessary corrections have been made under a procedure prescribed by the board of county commisioners copies of such list shall when approved by such body be filed for record in the offices of the recorder of deeds and of the chief clerk in the county in which the lands are situated and shall be corrected yearly as the board of county commissioners may prescribe

Section 510.16 Filing Upon the adoption of any zoning ordinance or regulation map or maps the board of county commissioners may file the originals with the chief clerk and a certified copy of each in the office of the county recorder of deeds which copies shall be accessible to the public The recorder of deeds shall index such ordinances and regulations as nearly as possible in the same manner as he indexes instruments pertaining to the title of land

Section 510.17 Finances The board of county commissioners is empowered to appropriate out of the general county fund such moneys otherwise unappropriated as it may deem fit to finance the work of the county zoning commission and of the board of adjustment and to enforce the zoning regulations and restrictions which are adopted and to accept grants of money and service for these purposes and other purposes in accordance with this act from either private or public sources state or federal

Section 510.18 Conflict with Other Laws Whenever any regulations made under authority of this act require a greater width or size of yards courts or other open spaces or require a lower height of buildings or smaller number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in or under any other statute the provisions of the regulations made under authority of this act shall govern Whenever the provisions of any other statute require a greater width or size of yards courts or other open spaces or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by any regulations made under authority of this act the provisions of such statute shall govern

Section 510.19 Act not to Apply to Certain Buildings of Public Utility Corporations This act shall not apply to any existing or proposed building or extension thereof used or to be used by public utility corporations if upon petition of the corporation the Pennsylvania Public Utility Commission shall after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public

Section 510.20 Definitions The words "amend" "amendment" "amendments" or "amended" in this act shall be deemed to include any modification of the text or phraseology of any provision of any zoning ordinance or amendment thereof or any repeal or elimination of any such provision or part thereof or any addition to the ordinance or to an amendment thereof and shall also be deemed to include any change in the number shape boundary or area of any district or districts any repeal or abolition of any map forming part of or referred to in any zoning ordinance or any part of such map any addition to such map any new map or maps or any other change in the maps or any map

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Henney,	Mallery,	Rodgers,
Buckman,	Heyburn,	McCreesh,	Rupp,
Cavalcante,	Homsher,	McGinnis,	Ruth,
Chapman,	Huffman,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
Deitrick,	Jaspan,	Pierson,	Sipe,
Eroe,	Kilgallen,	Pytko,	Sones,
Frey,	Kunkel,	Rankin,	Stiefel,
Gelder,	Lanius,	Reed,	Thompson,
Gilson,	Law,	Rice,	Wolfenden,
Haluska,			

NAYS—2

Ealy,	Salus,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 872, entitled:

An Act to amend Article six of the act approved the second day of May one thousand nine hundred and twenty-nine (P| L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and

eighth classes and revising amending and consolidating the laws relating thereto" providing for county and regional planning and the creation organization and powers of county and regional planning commissions and imposing duties on certain city borough town and township authorities

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Henney,	Mallery,	Rupp,
Buckman,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Salus,
Chapman,	Huffman,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
Deitrick,	Jaspan,	Pierson,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Rodgers,	

NAYS—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 885 on third reading entitled:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training retraining instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 931, entitled:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments and liens

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Huffman,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present siad bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 950, entitled:

An Act relating to the settlements of accounts of collectors of county taxes providing for procedure in such cases and for appeals to courts of common pleas

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill 971, (House Bill No. 1464), entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such Board defining the powers of the Board and fixng the compensation of members and employes thereof providing that the awards fo such Board shall be final providing for the payment of awards and authorizing an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Wolfenden,

NAYS—11

Bean,	Ealy,	Howell,	Scarlett,
Buckman,	Gelder,	Pierson,	Woodward,
Chapman,	Homsher,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 972, (House Bill No. 1467), entitled:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith as amended providing for the furnishing of the National Flag Code to certain pupils and for the use thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 974, (House Bill No. 1570), entitled:

An Act to promote safety for the travelling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnshing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, this bill, Senate Bill No. 874, House Bill No. 1570, has serious implications for the people of those counties which are engaged in coal mining operations. This bill provides: 'Whenever a State highway or any part thereof subsides by reason of the failure of vertical or lateral support thereof the subsidence is hereby constituted and declared a public nuisance which may be abated by appropriate proceedings in law or in equity against the then existing owner of the subjacent or adjacent strata as the case may be and in the event that the Department of Highways restores the surface of such highway the underlying owners of the subjacent or adjacent strata both at the time the vertical or lateral support was removed and at the time the subsidence occurred and their respective assignees, lessees or grantees shall be jointly and severally liable for the cost of restoration".

No, Mr. President, in these various coal mining counties, as is well known during the last ten years or so, and since the coal has been mined out, the roads have been widened and straightened out and relocated, so that if the present owners of the land be made liable for any cost of restoration which may be made by the Department of Highways, it may entail very serious expense upon the unseen purchasers, and I think that this bill should be further considered:

BILL RECOMMITTED

Therefore, I move that the bill be recommitted to the Committee on Highways for further study.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 976, (House Bill No. 1608), entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating contracts by boroughs

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,

Deitrick,	Huffman,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill 977, (House Bill No. 1609), entitled:

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. HEYBURN. Mr. President, I ask unanimous consent that Senate Bill No. 980, (House Bill No. -1705) on third reading entitled:

An Act to re-enact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws eighty-six) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for the violation and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes and changing the penalties prescribed

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 982, (House Bill No. 1802), entitled:

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Repsentatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreebly to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 999, entitled:

An Act to amend section three hundred eleven as amended of the act approved the second day of May one thousand nine hundred twenty-nine) (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class

And said bill having been read at length the third time,

On the question,

Mr. McGINNIS. Mr. President, I ask unanimous consent to

Amend section 311, page 2, line 11, by eliminating before the words "such person" the words "in such case", and inserting in lieu thereof the word "any".

Amend section 311, page 2, line 11, by inserting after the words "such person" the words admitted or readmitted to membership in said fund".

The PRESIDENT. Is there objection. The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1007, entitled:

An Act to add section four hundred seven and one-tenth to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositors in counties of the second class and defining their powers and duties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions or the constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Ruth,
Buckman,	Haluska,	Mallery,	Salus,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Chapman,	Heyburn,	McGinnis,	Shapiro,
Dando,	Homsher,	Mundy,	Sipe,
Deitrick,	Huffman,	Pierson,	Sones,
Dent,	Jacobs,	Pytko,	Sordoni,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,	Rupp,	

YEAS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1016, (House Bill No. 1733), entitled:

An Act to amend section four hundred six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating depositories of funds of counties of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto is hereby amended to read as follows

Section 406 Meeting Number of Depositories The board shall meet at the office of the county controller not later than noon of the third Wednesday following the first Monday of January following the election of the county treasurer and thereafter as may be necessary and shall there decide upn the number of banks and banking institutions not less than three in number as depositories of county funds for such period of time as the board may determine but not to exceed the term for which the treasurer is elected

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1023, entitled:

An Act to amend section six hundred and nine of the hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyd associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring certain existing corporations to comply with the provisions of the act approved the seventeenth day of May one thousand nine aforementioned act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,

Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1034, (House Bill No. 1712), entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof;" increasing the powers now exercised by the judges of said court; and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1037, entitled:

An Act to amend the title and section one as amended of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred sixty-four) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present bill to the House of Representatives for concurrence,

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 1042, entitled:

An Act to amend section one thousand five hundred four of the act approved the ninth day of April one thousand nine hundred twenty-nir (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting money payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provisions relating to advances out of appropriations

And said bill having been read at length the third time, and agreed to,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1046, entitled:

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SALUS. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. SALUS. Mr. President, I would like to ask the Senator form Philadelphia, Mr. Shapiro, if this is one of a series of bills about to be introduced to have additonal employees have been ripped out of office, or whether this is only the only bill on the subject.

Mr. SHAPIRO. Mr. President to the first one I say, this is one of the bills which the Republican organization used as a false argument that it was an effort on the part of the Democratic party to increase jobs. What this bill does is this: at the present time the Receiver of Taxes employes 58 men who profess to read water meters in the City of Philadelphia. When the bill was passed by this Senate which abolished the office of Receiver of Taxes, they left the reading of water meters open. This bill transfers the function of watermeter readers to the Board of Revision of Taxes, and creates instead of 58 jobs, 30 jobs to read the water meters, and instead of $1,750 to $2.000 a year, this bill limits the number of employees to 30 and fixes the salaries as not less than $1,000 nor more than $1,500.

Mr. SALUS. Mr. President, I would like to further interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia. Mr. Shapiro, permit himself to be further interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. SALUS. Mr. President, I would like to ask the Senator if he does not know as a matter of fact that the water meter readers only receive a salary of $1,500 and there is none of them who gets more than $1,500.

Mr. SHAPIRO. Mr. President, that is not so.

Mr. SALUS. Mr. President, I want to read a report received direct form the Receiver of Taxes of Philadelphia, and I think he ought to know what his men get in the way of salaries. I might say to the members of the Senate, that I am not here opposing the hiring of these 30 men, I think that is absolutely necessary for the benefit of the people, and there is no question about that.

On the present pay roll there are 64 employees, water meter inspectors at salaries of $1,500, 39 of whom are on the streets reading meters, the others are detailed in the offices of the Department for the purpose of making out the bills and readings, and this Department is very busy. There are 450,000 actual readings—covering the villages, 250,000 in the buildings and 255,000 others. There are not 64 men employed in the readings at the present time, there are only 39. These figures show 9 less, and as I understand it when the tax office was ripped out, we were led to believe that all of these offices were to be abolished and nothing was mentioned about these 30 water meter inspectors, is that right.

Mr. SHAPIRO. Mr. President, that is not correct.

Mr. SALUS. Mr. President, I want to ask the Senator from Philadelphia, Mr. Shapiro, if at that time he mentioned he would make application here before the Senate for the privilege of appointing 30 new water meter inspectors.

Mr. SHAPIRO. Mr. President, if the Senator will read the report of the Legislative Investigating Committee, he will find that the City of Cleveland where they have 482,000 properties they read 482,000 water meters with 33 men and the City of Philadelphia 243,000 meters in 477,000 properties, these water meter readers in Philadelphia read the meters only twice a year, while in Cleveland they read them four times a year and they present bills to the various property owners. The Senator will find in their recommendation that the water meter reading can be done by not more than 30 men, and these are not thirty new jobs because, besides these 63 water meter readers there are water meter clerks, and many of them receiving as high as $2,000 a year. There are some 352 jobs in the Receiver of Taxes office. These jobs by the creation of the new department are entirely eliminated with the exception of 20 men in the Treasurer's office and 10 men in the Controller's office who will neccessarily take over the work. These 30 men are substituted for the 63 men. They will read the water meters in Philadelphia and have no difficulty in doing it if they are on their feet instead of in chairs in the office in the Receiver of Taxes.

Mr. SALUS. Mr. President, do I understand from the Senator that this is the only bill that will be introduced in the Senate for additional help to do that work?

Mr. SHAPIRO. Mr. President, certainly, the report shows that.

Mr. SALUS. Mr. President, the report seems so, but does the Senator for Phialdelphia, Mr. Shapiro, say so?

Mr. SHAPIRO. Mr. President, certainly, there is no other bill in contemplation.

Mr. SALUS. Mr. President, is there any other bill in contemplation, for the additional help for the City Treasurer to do this particular work.

Mr. SHAPIRO. Mr. President, no the City Treasurer is authorized by law to hire such persons as clerks that he may require to perform this special function, created by the Legislature.

Mr. SALUS Mr. President (then as I understand it in the City of Philadelphia, the City Treasurer has the right to employ as many people as he may deem necessary to do all this work.

Mr. SHAPIRO. Mr. President, he always had that right.

Mr. SALUS. Mr. President, he always had that right?

Mr. SHAPIRO. Mr. President, yes.

Mr. SALUS. Mr. President, so that he now has a blanket authority to employ all the people he may deem necessary to perform the duties formerly performed by the Receiver of Taxes in Philadelphia—he has that blanket authority?

Mr. SHAPIRO. Mr. President, that is right. There is nothing we can do about it, there is nothing in the law to prevent him from employing as many as he needs.

Mr. SALUS. Mr. President, there is absolutely no question but that these 30 men are necessary in the City o

Philadelphia to perform this work. As a matter of fact, 30 men cannot do the work but when we were told on the floor of this Senate by the various investigating committees that more progress was going to be make in the City of Philadelphia and a million dollars would be saved by ripping out the Municipal Court in Philadelphia, when as a matter of fact their own budget calls for $800,000, we were told that 357 jobs in the Receiver of Taxes office are going to be disposed of and we were told that 37 men were going to do this work, whether the members of this Senate believe that or not, my best thought is that no man on this floor will believe a word of it.

It was simply an effort and excuse to eliminate these officers by ripping them out of office. Now you have before you the facts, and the facts are these: that for these special jobs they come to the Legislature and get authority for the other jobs to do the work that must be performed in the future. The flood gates are open and they will appoint as long as there are applicants for jobs, and instead of being saved money, the City of Philadelphia, due to these ripper bills I warn you now and say that is the beginning of the bankruptcy of Philadelphia; that before the end of this year we will be in such a position that every man who holds a bond of the City of Philadelphia will sell that bond at far below its par value. This is the beginning of the end, and the rippers in Philadelphia are for the purpose of political patronage.

Mr. SHAPIRO. Mr. President, I will agree with the Senator from Philadelphia, Mr. SALUS, in one respect, his is not the beginning of the end of Philadelphia—Philadelphia is bankrupt now and the people of Philadelphia ought to know it, the only difficulty is that the Republican Council in Philadelphia and the Mayor are trying to do some good work, but are afraid to attempt it. I am not afraid to attempt it, and I think it would be much better if the citizens of Philadelphia were aware that the City of Philadelphia is bankrupt. Now, I know that when a business man owes $10,000,000. more than he can take in next year, he considers himself bankrupt. I know when a man's assets are a $1,000,000 less than his liabilities, he considers himself bankrupt. I can see no reason why we should pay 96 for bonds when according to the assets of the City of Philadelphia, they are not worth 75. I agree with the Senator about bankruptcy except as to the point where it begins and ends. I disagree with him in that what we have done now is to increase the costs. First, when he speaks about the Municipal Court, when he speaks about the Budget of that Court being $800,000, he refers only to that which is the pay roll; $250,000 additional money is appropriated to the Municipal Court in three different departments in the City of Philadelphia, including $40,000 rent for the building that they occupy, $20,000 for heat, and $6,000 for clerks of the Court, all tucked away in bundles in other departments so that you cannot notice it. Those things have been brought to light; my friend's argument of $800,000 is good, but his arithmetic is bad. In spite of the evidence that we have shown, not only that the same Republican party which is now talking about our attempt to bankrupt the City of Philadelphia, have used $1,200,000.00 since this Committee began investigating, out of the so-called Emergency Loan, allowed by the 2% under the institution. They used that for current debt. In December they made up their budget and in January they awarded $20,000.00 additional to the Clerk of the Quarter Sessions Courts, and they took that $20,000.00 at that time by transfer from the Emergency Loan. I could go on reciting such details for some time. Everybody knows that they have used up over a million dollars in that way since the budget closed, and yet the Republican has the acrontery to expect the people to believe that we are poor economists. When we produced evidence three years ago that forty-ight thousand dollars was used up by false payrolls and false affidavits, appropriated back in 1919, for copying books and records in the Recorder of Deeds Office, when the Recorder of Deeds himself admitted that these were not properly held as records. We showed him evidence that the WPA was re-copying these same records. He admitted that the $48,000.00 was being used as a payroll of the employees of the office, and we showed him that the money was being used illegally, and the controller stepped up the payroll. They proceeded to get out the Council a voucher and have the $48,000.00 transferred from the County Commissioners where it was held under the act of 1919 that the Recorder of Deeds could use the money, so that instead of saving $48,000.00 when we pointed out that the records were being copied by WPA, they used the $48,000.00 and increased the cost by that amount. They spent $500,000.00 in three years time under the act of 1919, for the purpose of recopying the records. Two thousand records cost $500,000.00 to recopy by the Republicans, not by the Democrats. but by the Republicans and for the last two years, in addition to that the WPA had eighty men recopying these same records and yet these people talk economy right in Philadelphia. It was a parade for the political workers of Philadelphia, and they used this money in any way they deemed necessary to keep these workers in line for political purposes. They say that the Democrats are trying to create more jobs; if they do, they will not last as long as the Republican Party did I say to the Senate that there is nothing to this argument; we are limiting them as far as we can, and that these people employ only 30 men instead of 68. We are cutting down the salaries from $115,000 to $45,000; if that be ripping, let us have some more of it.

Mr. SALUS. Mr. President, I am very glad that the Senator from Philadelphia, Mr. Shapiro, has also warned the Democratic party and the citizens of Philadelphia, that they should be careful what they do in the future, and in every argument we put up, they come back and say "what did the Republicans do or did not do. In all my experience in this Senate I have had the unfortunate position of being with the minority. When I was with the Republicans, I was in the minority, today I am not with these and I am with the minority. Many years ago on the floor of this Senate I talked on the theme that has been followed by ministers and by politicians and used in national and local platforms since that day. My theme was "stop, look and listen." I spoke to the Republicans and I said "stop, look and listen," and I am saying to the Democrates, "stop, look and listen," before it is too late, because a terrible wreck will come to them. In every piece of reform legislation, we have heard of the great savings that are coming to the taxpayers of the city of Philadelphia, and where are these savings? They rip out the Municipal Court where the salaries were $110,000.00 a year and they create new courts with salaries with $144,000.00 a year. Where are the great savings of the Democratic party. In every ripping they have done they have increased the salaries of the officers in the new institution. If this be saving, God save us from our savings. I say to you and I say it now, that

there is no question in the minds of the people in Philadelphia that all these rippers were for political patronage they are noe done to save the citizens of Philadelphia a single penny, they are done for the purpose of creating political jobs. I find no great fault with them for that if they stay within bounds, if they would only come out and say "this is politics, this is not business, we have no desire to save the taxpayers of Philadelphia, we are going to get control, and being in authority, under that rule I find no great fault with it. I would like to see some every-day common honesty shown in this proposition, and say to the public of Philadelphia, "we are in authority, we are going to grab everything in sight; it belongs to them, but they should do it honestly.

Mr. WOODWARD. Mr. President, I hate to think that I come from a bankrupt city, Mr. President, and that we have no future; at least we are going to celebrate the Sesqui Centennial. If however, there is a mortgage on City Hall, and if there is to be a receiver, I expect to use my influence to have Senator Shapiro appointed a Receiver.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, certainly.

Mr. SHAPIRO. Mr. President, will the Senator from Philadelphia, Mr. Woodward, say whether or not it is true that at a hearing which he attended it was developed that the city of Philadelphia had spent for re-copying 2,000 records?

Mr. WOODWARD. Mr. President, that is perfectly true, I almost agree with the investigating committee, but I do not like to hear the city of Philadelphia being called a bankrupt city.

And the amendments made thereto having been printed as required by the Constitution,

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pierson,	Stiefel,
Ealy,	Kahle,	Pytko,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present bill to the House of Representatives for concurrence,

EXPLANATION OF VOTE

Mr. SALUS. Mr. President, in order that there may be no misunderstanding as to why I voted for this measure, I wish to say that it would be utterly impossible for the City Treasurer to function in his office if he did not have this help. It is absolutely essential that this bill be passed in order that the city may function in its daily work.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consid eration of Senate Bill No. 1052, entitled:

An Act transferring money from the Manufacturin Fund to the General Fund

And said bill having been read at length the third tim and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provi sions of the Constitution, and were as follows, viz:

YEAS—45.

Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pierson,	Stiefel,
Ealy,	Kahle,	Pytko,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,			

NAYS—0.

A majority of all the Senators having voted "aye" th question was determined in the affirmative.

Ordered, That the Clerk present said bill to the Hous of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous conse that Senate Bill No. 1053 on third reading entitled:

A Joint Resolution authorizing the Insurance Departme and the Department of Revenue to make a fair and im partial joint investigation of the efficacy wisdom and prac ticability of the laws of the Commonwealth relating t automobile insurance and the laws in effect in other stat relating to automobile insurance for the purpose of ascer taining the advisability of enacting in this Commonwealt a compulsory motor vehicle insurance law or an automo bile accident compensation law or both requiring said de partments to make a joint report to the next session of th General Assembly of their findings and recommendation as to such legislation as may be necessary or desirable an conferring upon the Insurance Commissioner and th Secretary of Revenue power to issue subpoenas and th courts power to punish those refusing to pay the same

go over in its order.

The PRESIDENT. Is there objection? The Chair hea none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consi eration of Senate Bill No. 1055, entitled:

An Act authorizing the compounding, compromising ar settlement by the Department of Public Instruction, wi the approval of the Department of the Auditor Gener and the Department of Justice, of prosecutions for t violation of the Acts of Assembly relating to the licensi and registration of persons engaged in professions, trad and occupations in the Department of Public Instructio

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36.

Buckman,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Huffman,	McCreesh,	Shapiro,
Dent,	Jacobs,	McGinnis,	Sipe,
DiSilvestro,	Jaspan,	Mundy,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Kunkel,	Reed,	Wolfenden,
Haluska,	Lanius,	Rice,	Woodward,

NAYS— 6.

Chapman,	Homsher,	Owlett,	Pierson,
Gelder,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

THE PRESIDENT PROTEMPORE (Mr. Harvey Huffman) in the Chair.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1056, (House Bill No. 958), entitled:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Deleware River at Milford Pike County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41.

Buckman,	Heyburn,	Mallery,	Rupp,
Cavalcante,	Homsher,	McCreesh,	Ruth,
Chapman,	Howell,	McGinnis,	Shapiro,
Dando,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Owlett,	Sones,
Eroe,	Kahle,	Pierson,	Stiefel,
Frey,	Kilgallen,	Pytko,	Thompson,
Gelder,	Kunkel,	Rankin,	Wolfenden,
Gilson,	Lanius,	Reed,	Woodward,
Haluska,	Law,	Rice,	Huffman,
Henney,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1058, (House Bill No. 1642), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37.

Cavalcante,	Jacobs,	McGinnis,	Ruth,
Dando,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Owlett,	Sipe,
Eroe,	Kilgallen,	Pierson,	Sones,
Frey,	Kunkel,	Pytko,	Stiefel,
Gilson,	Lanius,	Rankin,	Thompson,
Haluska,	Law,	Reed,	Wolfenden,
Henney,	Mallery,	Rice,	Woodward,
Heyburn,	McCreesh,	Rupp,	Huffman,
Homsher,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1061 (House Bill No. 1769) on third reading entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspector of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1082, (House Bill No. 1774), entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40.

Bean,	Homsher,	McGinnis,	Ruth,
Cavalcante,	Howell,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Law,	Rice,	Wolfenden,
Henney,	Mallery,	Rodgers,	Woodward,
Heyburn,	McCreesh,	Rupp,	Huffman,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1101, (House Bill No. 2055), entitled:

An Act authorizing any county of the second class and any city in any such county in which the county-seat is within the limits of such city to agree upon the joint management and control of all city hospitals and institutions and any or all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40.

Bean,	Heyburn,	Mallery,	uth,
Buckman,	Howell,	McCreesh,	Scarlett,
Cavalcante,	Homsher,	McGinnis,	Shapiro,
Dando,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Kunkel,	Reed,	Wolfenden,
Haluska,	Lanius,	ice,	Woodward,
Henney,	Law,	Rupp,	Huffman,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information thta the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1103, (House Bill No. 1568), entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto sections four hundred and twenty B (420B), four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41.

Bean,	Heyburn,	Mallery,	Rupp,
Cavalcante,	Homsher,	McCreesh,	Ruth,
Chapman,	Howell,	McGinnis,	Scarlett,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pierson,	Sones,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Wolfenden,
Gilson,	Lanius,	Reed,	Woodward,
Haluska,	Law,	Rice,	Huffman,
Henney,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1108, entitled:

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41.

Bean,	Heyburn,	McCreesh,	Rupp,
Cavalcante,	Homsher,	McGinnis,	Ruth,
Chapman,	Howell,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,

[illegible],	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gilson,	Law,	Rice,	Woodward,
Haluska,	Mallery,	Rodgers,	Huffman,
Henney.			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1124 on third reading entitled:

An Act making an appropriation to the Saftey Commission

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1130, entitled:

An Act to further amend the act approved the fifteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred thirty-four) entitled "An act relating to motion-pictures films reels or stereopticon views or slides providing a system of examination approval and regulation thereof and of the banners posters and other like advertising matter used in connection therewith creating the Board of Censors and providing penalties for the violation of the act" by prohibiting the possession of motion picture films reels or views not approved requiring permits in certain cases and increasing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42.

Bean,	Henney,	McCreesh,	Rupp,
Cavalcante,	Heyburn,	McGinnis,	Ruth,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Howell,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gilson,	Law,	Rodgers,	Huffman,
Haluska,	Mallery,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1133, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An Act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bean,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Howell,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,	Rupp,	Huffman,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. RODGERS. Mr. President, in view of the fact that this bill is not on the desks of the Senators, I ask unanimous consent that Senate Bill No. 1138 on third reading entitled·

An Act prohibiting the sale transfer purchase ownership possession and use of tear and noxious gas and tear gas guns providing certain exemptions and providing penalties

go over in its order until tomorrow.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 61, as follows:

An Act Authorizing executors guardians and trustees to purchase life endowment or annuity contracts in companies approved and duly authorized to carry on such business in the State of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That executors guardians and trustees are hereby authorized and empowered to purchase life endowment or annuity contracts in legal reserve life insurance companies domestic and foreign approved and licensed to do business in the Commonwealth of Pennsylvania Such contracts are hereby declared to be legal investments for trust funds Executors and their successors

shall exercise such power only when authority is conferred by will but guardians and trustees may exercise such powers without such authority Such contracts may be issued on the life or lives of a ward or wards a beneficiary or beneficiaries of a trust fund or according to the terms of a will or upon the life or lives of persons in whom such ward or beneficiary has an insurable interest Such contracts shall be so drawn by the insuring company that the proceeds or avails thereof shall be the sole property of the person or persons whose funds are invested therein or his estate

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 87, as follows:

A Joint Resolution Proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto Section twenty

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article threof

That article nine of the Constitution be amended by adding thereto section twenty as follows

Section 20 All motor vehicle registration fees operators' license fees gasoline excise taxes and other similar special taxes fees duties and excises on motor vehicles and trailers and the owners and operators thereof and on liquid or motor fuels which by laws in force at the date of the adoption of this provision of the Constitution are dedicated and appropriated to pay for the cost of laying out constructing reconstructing maintaining repairing improving and policing the public highways and bridges for the costs of administration in connection therewith and for the payment of the interest and principal of any State and local debt incurred for highway and bridge purposes shall not to the extent of such dedication be hereafter used for or diverted by transfer or otherwise to any other purpose whatever

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 142, the bill just read, be recommitted to the Committee on Welfare.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 248, (House Bill No. 140), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto a section

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 414 on second reading entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines; providing for the safe periodic removal of dust accumulations from dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 486, as follows:

An Act to further amend section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor th methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" making additional provision for the filing of tax claims

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enact by the authority of the same That section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by section two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 729) and by section three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 733) is hereby further amended to read as follows

Section 9 Claims for taxes water rents or rates lighting rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated on or before the last day of the third calendar year after that in which the taxes or rates are first payable and other municipal claims must be filed in said court within six months from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized within six months after the

completion of the improvement where the assessment is made by the municipality upon all the properties after the completion of the improvement and within six months after confirmation by the court where confirmation is required the certificate of the surveyor engineer or other officer supervising the improvement filed in the proper office being conclusive of the time of completion thereof but he being personally liable to anyone injured by any false statement therein In case the real estate benefited by the improvement is sold before the municipal claim is filed the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller unless otherwise agreed upon or as above set forth The legal rate of interest shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien

Claims for taxes may be in the form of written or typewritten lists showing the names of the taxable and descriptions of the properties against which said claims are filed together with the amount of the taxes due such municipality Such lists may be filed on behalf of a single municipality or they may cover the unpaid taxes due any two or more municipalities whose taxes are collected by the same tax collector provided the amounts due each municipality are separately shown All tax claims heretofore filed in such form are hereby ratified confirmed and made valid subsisting liens as of the date of their original filing

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 585, as follows:

An Act providing for the establishment of a State Youth Commission and local Youth Commission and prescribing their powers and duties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this Act shall be known as the State Youth Act

Section 2 There is hereby created a State Youth Commission consisting of seven members two of whom shall be under twenty-five (25) years of age appointed by the Governor with the advice and consent of the Senate The Powers of the Youth Commission shall be

(a) To conduct a survey throughout the State to discover the needs of young people up to the age of twenty-five (25) in respect to education vocation and recreation and to study the problems of delinquency

(b) To appoint local Youth Commissions in such communities as it may deem proper whose functions and powers shall be as prescribed by the State Youth Commission

(c) To organize projects where needed which may include recreational centers day and resident camps employment bureaus educational and vocational institutions of college rank or grade and such other projects that may best fill the needs of youth throughout the State

Section 3 The State and local commissions may cooperate with Federal state and local agencies including National Youth Administration State Planning Commission Departments of Public Instruction and Welfare local school boards public and private social agencies

Section 4 The commission shall be empowered to receive such funds from the government of the United States and other sources as can be obtained from time to time to carry out the purpose of this act

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 593, (House Bill No. 645), entitled:

An Act to authorize cities boroughs towns townships counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks playgrounds streets and other improvements and facilities by exercising certain other powers and by making agreements relating to such aid to authorize cities boroughs towns townships and counties to contract with respect to the sums to be paid them for improvements services and facilities to be provided for the benefit of housing projects and the occupants thereof to authorize certain cities and counties to make an appropriation for the first years' administrative expenses of housing authorities and to authorize certain cities boroughs towns and counties to pay moneys to housing authorities

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 632, as follows:

An Act relating to the moving of coal cars in bituminous coal mines and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person employed as a coal be required or permitted to operate or propel any car miner or in coal mining in any bituminous coal mine shall be required or permitted to operate or propel any car whether empty or loaded to or from the face of the workings where he is employed from or to any other point or place in such coal mine It shall be the duty of the owner or operator of such coal mine to deliver all cars for loading at the face af the workings and to take them away after loading

Section 2 Any person copartnership association or corporation violating any of the provisions of this act shall upon summary conviction be sentenced to pay a fine of not more than five hundred dollars ($500)

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time an agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. HALUSKA. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 642, as follows:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase condemnation or otherwise for State Park purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the acquisition by purchase condemnation or otherwise in the manner provided by law of tracts of lands in Clarion County Forest County and Jefferson County for State Park purposes

Section 2 Said appropriation shall be available for the payment of all expenses of said acquisitions of lands including attorneys' fees title fees and other necessary expenses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 650, as follows:

An Act relating to weights and measures regulating the weights and deliveries of commercial laundries performing selling or offering for sale laundry services on the basis of weight and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the terms "laundries" and laundry establishments" as used in this act shall mean and include all persons firms copartnerships associations and corporations conducting or operating power laundry plants hand laundries and agencies thereof

The word "laundry" as used in this act shall mean and include all articles of clothing or wearnig apparel bed and table linen rugs draperies and any and all materials capable of being washed or cleaned by laundering process

Section 2 All commercial laundries performing selling or offering for sale laundry service on the basis of weight shall have and employ only such scales as may lawfully be used in the Commonwealth of Pennsylvania

Section 3 Each and every delivery of laundry hereafter by commercial laundries which is charged for on the basis of weight shall be accompanied by a delivery ticket which ticket shall have indelibly marked perforated stamped or impressed thereon the net avoirdupois weight of the laundry the price per pound the amount of the total charge and in clear concise language the method on which said charge is predicated Such net weight as indicated shall be the weight determined prior to washing and shall be marked on said ticket in all cases whether in excess of or less than any minimum weight contract or agreement as may be fixed by the laundry establishment Such delivery ticket shall bear the correct and true name and address of the customer unless the customer be a transient and shall also be indelibly marked or printed with the name and address of the laundry establishment performing such service and delivering said ticket and shall in all cases be made out in duplicate or a record thereof kept as part of the office records of all laundry establishments

Section 4 The Department of Internal Affairs and city and county inspectors of weights and measures shall have the authority and shall be under the duty to carry out and enforce the provisions of this act

Such reasonable tolerances and variations as shall be determined and fixed by the Department of Internal Affairs shall apply in the enforcement of this act

Section 5 Any person firm copartnership association or corporation who or which violates any of the provisions of this act or materially alters or defaces delivery tickets as specified in this act or in any manner wilfully or fraudulently misrepresents the weight of the laundry so delivered shall upon summary conviction for the first offense be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) and the costs of prosecution and for a second offense be sentenced to pay a fine of not less than fifty dollars ($50.- nor more than one hundred dollars ($100.00) and the costs of prosecution and for a third or subsequent offense be eentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) and the costs of prosecution

Section 6 Prosecutions for the violation of any of the provisions of this act may be brought by the Secretary of Internal Affairs or his duly authorized agents and by the city and county inspectors of weights and measures within their respective sub-divisions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 776, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions eliminating the office of business manager in State institutions under the Department of Welfare authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment

land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects making further provision for bid performance bonds of bidders for State contracts extending the scope of the work of the State Park Commission further regulating purchases made directly by departments boards and commissions requiring counties to pay compensation and expenses of special attorneys in criminal cases authorizing the Governor to grant commissions to State pilots providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth providing for the promulgation of rules and regulations by and enlarging the powers of the Department of Forests and Waters and the Water and Power Resources Board further regulating the maximum price that may be paid for land acquired for State forestry purposes prescribing the membership and powers and duties of the State Park Commission creating and prescribing the powers and duties of Regional State Park Boards eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor the Pennsylvania Game Commission eliminating the Public Service Commission of the Commonwealth of Pennsylvania and extending the provisions of the Code to its successor the Pennsylvania Public Utility Commission transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue and the State Board of Undertakers from the Department of Public Instruction to the Department of Health eliminating the State Aeronautics Commission the Pennsylvania Alcohol Permit Board and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives and the Anatomical Board and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 201 202 203 210 221 222 301 303 401 427 31 448 507 508 511 522 701 709 712 906 907 1402 1802 1804 1806 2110 2304 2307 2311 2312 2315 2318 2319 2402 2403 2404 2405 2406 2407 2408 2409 and 2414 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers College abolishing creating reorganizing or authorizing the reorganization of certain administrative departments board and commissions defining the powers and duties of the Governor and other executive and adcinistrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commisions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretray of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies and Department of Revenue and by the following independent administratvie boards and commissions [Board of Game Commissioners] Pennsylvania Game Commission Board of Fish Commissioners and the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State
State Employes' Retirement Board
In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
In the Department of Internal Affairs
Board of Property
[State Aeronautics Commission]
In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Tustees of Slippey Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
[State Board of Undertakers]
State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects

Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailers' Home
[State Athletic Commission]
In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Product Show Commission
In the Department of Forests and Waters
Water and Power Rescources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
[Anatomical Board]
State Board of Undertakers
In the Department of Labor and Industry
Workmen's Compensation Board
Workman's Compensation Referees
State Workmen's Insurance Board
In the Department of Welfare
State Council for the Blind
[Pennsylvania Alcohol Permit Board]
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Fairview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg States Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution for Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics
In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Revnue
State Athletic Commission
[All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 203 Advisory Boards and Commissions The following advisory boards and commissions are placed in and made parts of the respective administrative departments as follows

In the Department of Military Affairs
State Military Reservation Commission
State Veterans Commission
In the Department of Forests and Waters
State Forest Commission
State Parks Commission
Bushy Run Battlefield Commission
Regional State Park Boards
In the Department of Health
Advisory Health Board
In the Department of Labor and Industry
Industrial Board
In the Department of Welfare
State Welfare Commission
In the Department of Property and Supplies
General Galusha Pennypacker Monument Commission

Section 210 Compensation of Members of Administrative Boards and Commissions (a) Annual salaries shall be payable in equal semi-monthly installments as follows

To the Commissioner of Fisheries six thousand dollars

To the Chairman of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission ten thousand five hundred dollars as provided by law

To the members of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission other than the chairman each ten thousand dollars as provided by law

(b) The members of the [Board of Game Commissioners] Pennsylvania Game Commission and of the Board of Fish Commissioners other than the Commissioner of Fisheries shall not receive any compensation

(c) Except as in this act otherwise provided the members of departmental administrative boards and commissions and of advisory boards and commissions shall serve without compensation

Section 221 Office Hours All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day except Saturdays Sundays and legal holidays [On Saturdays when not legal holidays such offices shall be open for business for at least three hours] The hours when such offices shall open and close shall from time to time be determined by the Executive Board

Section 222 Work-Hours and Vacations Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than [thirty-eight] thirty-five hours per week Such employe shall be entitled during each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days in any one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commission be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employes of departments or of independent administrative boards or commissions and in the case of employes of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the granted leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual leave of absence with pay shall be exclusive of Saturdays Sundays and legal holidays

Section 301 [Board of Game Commissioners The Board of Game Commissioners shall consist of eight competent

citizens of this Commonwealth no two of whom shall be from the same senatorial district The board shall annually elect a president and a vice-president from among its members It shall also appoint to serve at its pleasure and with the approval of the Governor fix the compensation of an executive secretary who need not be a member of the board and who shall attend to the administrative work of the board

Five members of the board shall constitute a quorum

Members of the board shall be appointed to serve for terms of six years] Pennsylvania Game Commission The Pennsylvania Game Commission shall consist of eight competent citizens of this Commonwealth who shall be so appointed that they shall fairly represent the several geographical sections of the Commonwealth and shall be well informed on the subject of wild life conservation and restoration The commission shall annually elect a president and a vice-president from among its members It shall also appoint to serve at its pleasure and with the approval of the Governor fix the compensation of an executive director who shall attend to the administrative work of the commission No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for appointment as executive directors

Five members of the commission shall constitute a quorum

The members of the Board of Game Commissioners in office on the effective date of this act shall constitute the Pennsylvania Game Commission and shall hold their offices as members of the Pennsylvania Game Commissions until their successors are appointed as provided by law The original members of the commission shall be appointed for such terms as are prescribed by law and subsequent appointments of commissioners shall be for terms of eight years and shall be staggered as provided by law

Section 303 [The Public Service Commission of the Commonwealth of Pennsylvania The Public Service Commission of the Commonwealth of Pennsylvania shall consist of seven members who shall have the qualifications and be appointed as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office When present the chairman shall preside at all meetings but in his absence the member who has served on the Commission for the longest period of time shall preside and shall exercise for the time being all of the powers of the chairman In addition to the authority now conferred by law the chairman shall have power as often as he may deem the work of the commission requires (a) to designate the time and place for the conducting of investigations inquiries and hearings (b) to assign cases to a commissioner or commissioners for hearing investigation inquiry study or other similar purpose (c) to assign cases to special agents or examiners for the taking and receiving of evidence and (d) to direct and designate officers and employes of the commission to make investigations inspections inquiries studies and other like assignments for report to the commission

The commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine He shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall possess for the time so designated the powers of the secretary of the commission

The terms of the members of the commission shall be ten years

The offices of counsel of marshall and of investigator of accidents as they exist under The Public Service Company Law are hereby retained appointments thereto to be made as now provided by law The compensation of counsel marshal and investigator of accidents shall be fixed by the commission with the approval of the Governor] Pennsylvania Public Utility Commission The Pennsylvania Public Utility Commission shall consist of five members who shall have the qualifications and be appointed in the manner and for such terms as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office

The commission may appoint a secretary to hold office at its pleasure as now provided by law

Section 401 Boards of Trustees of State Institutions The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four years and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person This section shall apply to

Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldier's Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers College
Board of Trusteees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Slippery Rock State Teachers'
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital

Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Penhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution of Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics

Section 427 State Athletic Commission The State Athletic Commission shall consist of three members who shall be appointed for terms of two years and the [Adjutant General] Secretary of Revenue ex officio

Each member of the commission execpt the [Adjutant General] Secretary of Revenue shall receive a salary of five thousand dollars per annum

Two members of the commission shall constitute a quorum and the concurrence of at least two members of the commission shall be necessary to render valid any action by the commission

The commission may appoint such member of deputies as shall be approved by the Executive Board whose compensation shall be fixed by the commission with the approval of the Governor

The commission may with the approval of the [Adjutant General] Secretary of Revenue appoint a secretary who shall receive a salary to be fixed by the commission with the approval of the Governor

Section 431 Water and Power Resources Board The Water and Power Resources Board shall consist of five members four of whom shall be the Secretary of Forests and Waters the Secretary of Health the Commissioner of Fisheries and a member of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission to be designated by the Governor The fifth member shall be an engineer and shall receive [compensation for his services at such rate per diem as shall be fixed by the other members of the board but such compensation shall not exceed] salary of three thousand dollars per annum

The Secretary of Forests and Waters shall be chairman of the Board

Three members of the board shall constitute a quorum

Any investigation hearing or other proceeding which the board has power to undertake or hold may be undertaken or held by or before any member of the Board or by or before any official of the board designated by the board for such purpose provided all actions and orders shall be approved by a majority thereof

The board shall have authority to make and adopt rules and regulations for its procedure acts and orders not inconsistent with this act

Interim permits and orders may be issued and made by the chairman of the board or by any official of the board designated for such purpose by the board but such interim permits and orders shall be subject to subsequent approval or confirmation by the board

Section 448 Advisory Boards and Commissions The advisory boards and commissions within the several administrative departments shall be constituted as follows

(a) The State Military Reservation Commission shall consist of the Governor the Major General commanding the National Guard of Pennsylvania any Maior General who commands has commanded or shall hereafter command the National Guard of Pennsylvania and who shall retire from the service subsequent to the first day of January one thousand nine hundred and thirty-three regardless of such retirement the Adjutant General the Brigadier Generals commanding brigades the Chief of Staff of the Twenty-eighth Division and two other members to be appointed by the Governor

The commission shall elect from among its members a chairman and a secretary

(b) The State Veterans' Commission shall consist of the Adjutant General ex-officio and five members all of whom shall have served in the armed forces of the United States while a state of war existed between the United States of America and another sovereign power and shall be members in good and regular standing of a Pennsylvania branch post lodge or club of a recognized national veterans organization active in this Commonwealth

Three members of the commission shall constitute a quorum

The commission shall select from its number a chairman and a secretary

(c) The State Forest Commission shall consist of four persons and the Secretary of Forests and Waters ex-officio who shall be chairman thereof

(d) The State Parks Commission shall consist of the Secretary of Forests and Waters the Secretary of Highways the Executive Director of the Pennsylvania Game Commission the Commissioner of Fisheries the Chairman of the several Regional State Park Boards and the chairman of the Pennsylvania Historical Commission [and four other citizens]

[Four] A majority of the members of the commission shall constitute a quorum

The State Parks Commission shall annually elect from among its members a chairman and vice-chairman

(e) Bushy Run Battlefield Commission The Bushy Run Battlefield Commission shall consist of the Secretary of Forests and Waters and the chairman and Secretary of the Pennsylvania Historical Commission ex-officio and six other members residing in the vicinity of the Bushy Run Battlefield State Park and having a knowledge of and interest in the history of the locality wherein said park is situated

The members of the commission shall annually elect a chairman and a secretary

Five members of the commission shall constitute a quorum

(f) The Advisory Health Board shall consist of the Secretary of Health and six members a majority of whom shall be physicians graduates of legally constituted medical colleges and of at least ten years' experience in the practice of their profession and one of whom shall be a civil engineer The Secretary of Health shall be chairman of the board

Three members of the board together with the Secretary of Health shall constitute a quorum

(g) The Industrial Board shall consist of the Secretary of Labor and Industry and four additional members one of whom shall be an employer of labor one a wage earner and one a woman The Secretary of Labor and Industry shall be a chairman of the board

Three members of the board shall be a quorum

The members of the Industrial Board other than the chairman shall receive fifteen dollars per day while in the performance of their official duties

(h) The State Welfare Commission shall consist of the Secretary of Welfare ex-officio and eight other members The Secretary of Welfare shall be chairman of the board The Secretary of Welfare and four other members of the board shall constitute a quorum

(i) The General Galusha Pennypacker Monument Commission shall consist of the Secretary of Property and Supplies the president of the Pennsylvania Academy of Fine Arts of Philadelphia and three other persons The Commission shall annually elect a president and secretary

Three members of the commission shall constitute a quorum

(j) The Regional State Park Boards shall consists of the Secretary of Forests and Waters and five other members three of whom shall reside in the region where the particular board of which they are members functions

Each Regional State Park Board shall annually elect from its membership a chairman and a vice-chairman

The Secretary of Forests and Waters shall appoint a secretary for each Regional State Park Board

Four members of a Regional State Park Board shall constitute a quorum

Section 507 Purchases It shall be unlawful for any administrative department other than the Department of Property and Supplies or for any independent administrative board or commission or for any departmental administrative body board or commission or for any advisory board or commission to purchase or contract for the purchase of any stationery paper printing binding ruling lithographing engraving envelopes or other printing or bind-

ing supplies or any fuel supplies furniture furnishings or equipment except

(a) Any departments boards or commissions which by law are authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by them or out of the moneys appropriated to them by the General Assembly Provided That every such department board and commission shall make its purchases through the Department of Property and Supplies as purchasing agency and all such purchases shall conform to the effective supplies contracts of the Department of Property and Supplies unless in any case the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supplies contracts

(b) Any department board or commission having charge of a State institution which may purchase perishable foodstuffs [and fuel] for such institution directly and may purchase and article directly if it can after competitive bidding purchase the same f o b the institution for a price [equal to or] less than the Department of Property and Supplies can furnish it f o b the institution but all articles purchased directly hereunder shall conform to the specification contained in the effective supply contracts of the Department of Property and Supplies or if the article be not included in the effective supply contracts then to the standard specification if any adopted by the Department of Property and Supplies for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification

In all other cases such departments boards or commissions shall make purchases through the Department of Property and Supplies as purchasing agency and all purchases made by the Department of Property and Supplies as purchasing agency hereunder shall conform to the specifications contained in the effective supply contracts of the department or if the article be not included in the effective supply contracts then to the standard specifications if any adopted by the department for the commodity purchased unless hte Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supply contracts or specifications

(c) Any department board or commission which shall have been authorized in writing by the Department of Property and Supplies to make purchases in the field not exceeding a specified amount but records of all such purchases shall be transmitted periodically to the Department of Property and Supplies in such form as it may require In so far as practicable purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies and shall be in accordance with applicable specifications in such contracts otherwise such purchases shall be made from the lowest of at least two bidders

Section 508 Erection Repairs or Alterations of and Additions to Buildings (a) No administrative department except the Department of Property and Supplies and no administrative board or commission shall except as in this act otherwise specifically provided erect or construct or contract for the erection or construction of any new building or make or contract for making any alterations or additions to an existing building involving an expenditure of more than [ten thousand ($10,000)] one thousand dollars ($1,000) and in any case in which any other department or any board of commission is by this act authorized to erect or construct buildings or make alterations or additions such erection or construction shall be under the [general] complete supervision and shall be the responsibility of the Department of Property and Supplies

[(b) All repairs to or alterations of existing buildings of the Commonwealth involving expenditures of more than one thousand dollars ($1,000) shall be subject to inspection by and the general supervision of the Department of Property and Supplies which shall be notified thereof at least ten days prior to the execution of the contract or if the work is not to be done under contract then at least ten days prior to the commencement of the work and all plans and specifications for repairs to or alterations of buildings under the control of the departmental administrative boards and commission shall be subject to approval by the departments with which such boards or commissions are respectively connected]

(b) The Department of Property and Supplies shall make at least once every two fiscal years a survey of all buildings equipment land improvements connected with and comprising each State institution After making and survey the Department of Property and Supplies shall prepare a report setting forth in detail the results of the survey including the needs of such institution with respect to the maintenance of and repairs improvements alterations and additions to its buildings lands and equipment The Department of Property and Supplies shall file a copy of such report with the Governor and the department or departmental administrative board having supervision or control of the institution Such reports shall be used so far as practical as a guide in formulating the biennial budgetary requests for appropriations for the maintenance of any repairs improvements alterations and additions to the buildings lands and equipment of State institutions

(c) All plans and specifications for new buildings and for alterations or additions to existing buildings shall be subject to the approval of the Department of Property and Supplies and in addition thereto shall also be subject to the approval of the department board or commission using or intending to use the building being erected or constructed or to which an alteration or addition is being made [and in] with respect to the type and general character of the proposed building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared In the case of buildings used by or for the use of departmental administrative boards or commissions the plans and specifications shall also be approved with respect to the above mentioned matters by the department with which the board of commissio is connected

(d) Buildings may be erected or constructed or alterations or additions made wholly or partially by the labor of employes or inmates or patients of State institutions if in the judgment of the agency responsible for the management of such institutions and of the Department of Property and Supplies the work can be properly and safely done by such employes inmates or patients In such cases the Department of Property and Supplies [or such agency of the State Government] or outside supervising engineer or engineering concern as it may approve shall have full and direct [supervision] responsibility for the management of the work and [in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work] the department board or commission using or intending to use the building shall have complete charge of such employes inmates or patients

Section 511 Sale and Transfer of Surplus Products All departments boards and commissions may sell for the best price obtainable but not less than the current market price for similar products any surplus products of the soil meats live stock timber or other materials raised or grown upon or taken from property of the Commonwealth administered by such departments boards or commissions or their by-products respectively Transfers may be made of such products by and between State institutions under the control and management of such departments boards or commissions

As used in this section "surplus" shall mean products meats live stock timber or other materials or their by-products respectively which cannot conveniently and economically be used in connection with the proper maintenance of the institution park or other property administered by the department board or commission involved but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees and no sales or transfers shall be made under this section by any departmental administrative board or commission without the approval of the department with which such board or commission is connected

The proceeds of the sale of any products of the soil

meats live stock timber or other materials sold by any department board or commission under the provisions of this section shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund unless the expenses of such department board or commission are paid wholly or mainly out of a special fund in which case such proceeds shall be credited to the proper special fund Any questions arising hereunder shall be determined by the Governor and his decision shall be certified to the Department of Revenue and the Treasury Department

Every department board or commission which sells or transfers any product of the soil meats live stock timber or other materials under the provisions of this section shall keep an accurate record of the dates quantities and prices of all sales or transfers which records shall at all times be subject to audit by the Department of the Auditor General

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section

Section 522 Wage Specifications in Contract for Public Works The specifications upon which contracts are entered into by the Commonwealth for the construction alteration or repair of any public work shall as far as possible contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed in such public work and such laborers or mechanics shall be paid not less than such minimum wage or wages and shall not be required to refund directly or indirectly any part of such wage or wages The contractor shall submit to the Commonwealth certified detailed payrolls giving names classifications hours worked rates per hour and total paid on each pay day The contractor shall also certify that he is not receiving or requiring or will not receive or require directly or indirectly from any employe any refund of any such minimum wage or wages

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications Every officer or person designated as inspector of the work to be performed under any such contract or to aid in the enforcing of the fulfillment thereof shall upon observation or investigation report to the department board or commission which made the contract award all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications and the day or days of such violation All such penalties shall be withheld and deducted for the use of the Commonwealth from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors

Section 701 The Governor The Governor shall have the power and it shall be his duty

(a) To take care that the laws of the Commonwealth shall be faithfully executed

(b) To act as Commander-in-Chief of the Army and Navy of the Commonwealth and of the Militia except when they shall be called into active service by the United States Government

(c) To cause to be published through the Department of Property and Supplies from time to time for the information of the public bulletins of the work of the State Government

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping accounting and reporting for the several administrative departments boards and commissions except for the Department of the Auditor General and the Treasury Department but before prescribing and requiring such installation the Governor shall consult with the Department of the Auditor General

(e) To prescribe forms for accounts and financial records reports and statements for the several administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department but before prescribing such forms the Governor shall consult with the Department of the Auditor General

(f) To approve or disapprove all investments by departments boards or commissions of funds administered by such departments boards or commissions

(g) To submit to the General Assembly a State budget

(h) After each biennial appropriation to the Department of Property and Supplies (1) for the purchase of stationery paper printing binding ruling lithographing color printing engraving paper envelopes and other printing and binding supplies (2) for fuel supplies furniture furnishings repairs alterations and improvements (3) for automobiles and (4) for rentals of branch offices after making proper deductions for the needs of the legislative and judicial departments to allocate and from time to time to re-allocate to the several administrative departments boards and commissions such portions of such appropriations as will fairly represent the needs of the departments boards and commissions for the biennium taking into consideration the right of any such department board or commission to pay its necessary expenses or purchase furniture materials or supplies out of fees or other moneys received by or moneys specifically appropriated to it

Every administrative department board or commission shall be limited to its right to make requisition upon the Department of Property and Supplies to the amount allocated to it unless the Governor shall subsequently permit the Department of Property and Supplies to honor requisitions in excess of such amount

(i) To do all other acts make all appointments fill all vacancies exercise all the powers vested in him and perform all the duties imposed upon him as provided and required by the Constitution and laws of this Commonwealth

(j) To grant to pilots engaged in the aeronautical work of the Department of Revenue commissions of such grades as the Governor may prescribe

Section 709 Executive Board The Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments other than the Department of the Auditor General and the Treasury Department and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendations of department heads or of independent administrative boards

commissions for the bonding of officers or employes of eir departments or members or officers or employes of epartmental administrative boards or commissions or ficers or employes of independent administrative boards commissions to fix the amounts of the bonds of all ch members officers or employes required to give bond nd to require any bond or bonds to be executed y a surety or sureties even though the Commonwealth ay have established its own indemnity fund as elsehere in this act provided

(h) To approve or disapprove the establishment of ranch offices outside of the Capital city by or for adinistrative departments boards or commissions

(i) From time to time to determine within what limits ne Department of Property and Supplies shall procure ability insurance covering claims for damages against ne Commonwealth and State officers and employes arisg out of the operation of State automobiles by such offirs and employes

(j) From time to time to determine the number and rpe of automobiles to be purchased by the Department Property and Supplies acting either on its own behalf as urchasing agency for any other department except ne Department of the Auditor General and the Treasury epartment or for any board or commission and to make ules and regulations for the use of State automobiles y State officers and employes except the Department of ne Auditor General and the Treasury Department

(k) To approve or disapprove requests for and to irect the disposal of files of correspondence reports reords or other papers which are not needed for the curent or anticipated future operations of any administrative epartme t board or commission

Section 712 The Pennsylvania State Police Force The arious members of the Pennsylvania State Police are ereby authorized and empowered

(a) To make arrests without warrant for all violaons of the law which they may witness and to serve nd execute warrants issued by the proper local authories They shall have all the powers and prerogatives conerred by law upon members of the police force of cities f the first class and upon constables of the Commonealth

(b) To act as game protectors and as forest fish or re wardens and for the better performance of such duties

(1) Seize all guns boats decoys traps dogs game fish nooting paraphernalia or hunting or fishing appliances or evices used taken or had in possession contrary to the aws of this State Any article so seized shall be held subect to such disposition as the Commissioner of Fisheries r the [Secretary of the Board of Game commissioners] xecutive Director of the Pennsylvania Game Comission or the Secretary of Forests and Waters may respectively determine

(2) Seize and take possession of all birds animals or sh which have been taken caught or killed or had in ossession or under control or which have been shipped r are about to be shipped contrary to any law of this tate

(3) Search without warrant any boat conveyance vecle or receptacle when there is good reason to believe iat any law has been violated the enforcement or adinistration of which is imposed on or vested in the oard of Fish Commissioners or the [Board of Game ommissioners] Pennsylvania Game Commission or in the epartment of Forests and Waters

(4) Serve subpoenas issued for any examination investgation or trial had pursuant to any law as aforesaid

(5) Purchase game or fish for the purpose of securg evidence

Section 906 Deputy Attorneys General In addition to ich deputy attorneys general as may be appointed to ast in the conduct of the regular work of the departent the Attorney General with the approval of the Govnor shall have power

(a) To appoint and fix the compensation of such special eputy attorneys general as may be required to repremt and advise the Workmen's Compensation Board and ny other departments boards and commissions which may require the services of counsel to such an extent as to render it reasonably necessary to assign deputy attorneys general exclusively to their work Provided That the office of counsel to the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission shall be retained such counsel to be appointed by the Attorney General as now provided by law The Attorney General as now provided by law may also from time to time with the approval of the Governor appoint such assistant counsel to the [Public Service Commission] Pennsylvania Public Utility Commission as may be required for the proper conduct of its work The compensation of the counsel and assistant counsel of the [Public Service Commission] Pennsylvania Public Utility Commission shall be fixed by the commission with the approval of the Governor as now provided by law

(b) From time to time appoint and fix the compensation of special deputy attorneys general and special attorneys to represent the Commonwealth or any department board or commission thereof in special work or in particular cases

(c) To appoint and fix the compensation of deputy attorneys general to represent the Commonwealth and the several departments boards and commissions thereof in all legal matters arising in any city or county other than the State capital except as otherwise provided in this act Provided That the same deputy attorney general may be assigned to two or more cities or counties in the discretion of the Attorney General

Section 907 Special Attorneys in Criminal Cases When the president judge in the district having jurisdiction of any crimina proceedings before any court of oyer and terminer general jail delivery or quarter sessions in this Commonwealth shall request the Attorney General to do so in writing setting forth that in his judgment the case is a proper one for the Commonwealth's intervention the Attorney General is hereby authorized and empowered to retain and employ a special attorney or attorneys as he may deem necessary properly to represent the Commonwealth in such proceedings and to investigate charges and prosecute the alleged offenders against the law Any attorney so retained and employed shall supersede the district attorney of the county in which the case or cases may arise and shall investigate prepare and bring to trial the case or cases to which he may be assigned He shall take the oath of office required by law to be taken by district attorneys and shall be clothed with all the powers and subject to all the liabilities imposed upon them by law The compensation for services rendered and necessary expenses incurred by such attorney or attorneys shall be fixed by the Attorney General and shall be paid by the county in which the case arose

Section 1402 Pennsylvania National Guard The Department of Military Affairs has the power and its duty shall be

(a) To keep in its custody all books and accounts and military property of the Commonwealth issued by it pertaining to the Pennsylvania National Guard

(b) To distribute all orders from the Commander-in-Chief and perform such other duties as the Commander-in-Chief shall direct

(c) To make returns periodically as required of the Pennsylvania National Guard and report of their arms uniforms accoutrements and ammunition according to such forms as may be prescribed by the Secretary of War of the United States and to forward a copy thereof to the Secretary of War of the United States

(d) To pay the troops and make all other disbursements authorized by law by requisition presented to the Auditor General in the usual way

(e) To supply to all officers of the Pennsylvania National Guard such copies of drill regulations manuals of rifle practice service manuals and military publication forms and books prescribed for use of the United States Army as the Governor as Commander-in-Chief may designate

(f) To supply to all organizations of the Pennsylvania

National Guard all necessary military stores arms and equipment

(g) With the approval of the Governor as Commander-in-Chief to sell or exchange from time to time such military stores belonging to the Commonwealth as are found to be unserviceable or in state of decay or which it may be deemed for the best interests of the Commonwealth to sell or exchange but if the department is unable to obtain a bid for the property it may be demolished or destroyed The destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard and their certificate shall constitute proper authority to issue a voucher for marking off the property All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue

(h) To audit and adjust all claims incident to the organization training discipline maintenance and service of the Pennsylvania National Guard other than fixed allowances and to pay such claims when audited and adjusted but all claims paid thereunder shall be subject to audit by the Department of the Auditor General

(i) Subject to the approval of the Governor as Commander-in-Chief to procure and issue from time to time to the Pennsylvania National Guard such flags standards and guidons as may be necessary which shall however as far as practical be similar in style to those of the United States Army

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries to persons or damages to property arising out of accident or negligence and incident to the organization training discipline maintenance and service of the Pennsylvania National Guard and upon the recommendation of the board so appointed to adjust and pay such claims for damages Provided however That each such claim shall be in an amount not exceeding two hundred and fifty dollars ($250) And provided further however That all claims paid hereunder shall be subject to audit by the Department of the Auditor General

Section 1802 Forest Powers and Duties The Department of Forests and Waters shall have the power and its duty shall be

(a) With the approval of the State Forest Commission to acquire in the name of the Commonwealth by purchase gift lease or condemnation and hold as State forests subject to the conditions of any such lease and subject to such reservations if any of mineral rights stumpage rights rights of way or other encumbrances as the department and the State Forest Commission deem to be consistent with such holding any lands which in the judgment of the department the Commonwealth should hold manage control protect maintain utilize and regulate as State forest: [Provided That the] The purchase price of any such lands shall not exceed ten dollars per acre [and that the] except the price paid for interior holdings and farms and marginal farms along State forest lands which shall not exceed twenty dollars per acre The amount expended for the acquisition of lands for State forest purposes in any biennial appropriation period shall not exceed the appropriation for that purpose for such period

(b) To purchase and hold as State forest unseated vacant or unappropriated lands lands advertised for sale for taxes and land sold for taxes as may now or hereafter be provided by law

(c) To hold manage control protect maintain utilize develop and regulate the occupancy and use of all lands heretofore or hereafter acquired owned leased and maintained as State forests together with the resources thereof

(d) To divide the State into such convenient forest districts as it deems economical and effective to administer protect develop utilize and regulate the occupancy and use of the lands and resources of the State forests to protect all forest land in the State from forest fires fungi insects and other enemies to promote and develop forestry and knowledge of forestry throughout the State to advise and assist landowners in the planting of forest and shade trees to obtain and publish information respecting forest lands and forestry in the State to assist in Arbor Day work and promote and advance any other activity in local forestry which the department may deem helpful to the public interest and to execute the rules and regulations of the department for the protection of forests from fire and depredation It may also assign district foresters to take active charge of such forests districts and assisters forest rangers and other help for the administration of such forest districts as the Secretary of Forests and Waters may deem necessary for the accomplishment throughout the State of the purposes for which the department is established

(e) To cooperate with the authorities of townships boroughs and cities of this Commonwealth in the acquisition and administration of municipal forests as may now or hereafter be provided by law

(f) With the advice of the State Forest Commission to establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of the State forests as the department deems proper to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which the State forests are created namely to provide a continuous supply of timber lumber wood and other forest products to protect the watersheds conserve the water and regulate the flow of rivers and streams of the State and to furnish opportunities for healthful recreation to the public

The net receipts arising out of the occupancy and use of the State forests hereunder shall be paid into the State Treasury through the Department of Revenue and shall belong to and form part of the State School Fund

(g) Whenever it shall appear that the welfare of the Commonwealth with reference to reforesting and the betterment of the State forests with respect to control management protection utilization development and regulation of their occupancy and use will be advanced by selling disposing of any of the timber on the State forests dispose of such timber on terms most advantageous to the State Provided That the department is authorized and directed to set aside within the State forests unusual historical groves of trees or natural features especially worthy of permanent preservation to make the same accessible and convenient for public use and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment And the said department is hereby empowered with the advice of the State Forest Commission to make and execute contracts or leases in the name of the Commonwealth for the mining or removal of any valuable minerals that may be found in said State forests whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said minerals And provided further That any proposed contracts or leases for valuable minerals exceeding three hundred dollars in value shall have been advertised once a week for three weeks in at least two newspapers published nearest the locality indicated in advance of awarding such contract or lease Such contracts or leases may then be awarded to the highest and best bidder who shall give bond for the proper performance of the contract as the department shall designate

(h) To appoint and with the approval of the Governor fix the compensation of a chief forest fire warden and such district forest fire wardens and to appoint and fix the compensation of such local forest fire wardens and other assistants as shall be required for the prevention control and extinction of forest fires

(i) To establish and administer auxiliary forest reserves in the manner and under such terms and conditions as may now or hereafter be provided by law

(j) To distribute young forest trees as provided by law to those desiring to plant them

(k) To furnish information and issue certificates and requisition necessary for the payment of such fixed charges in lieu of taxes on State forests and auxiliary forest

serves to school districts road districts and counties as may now or hereafter be provided by law

(l) To sell or exchange State forest land as provided by law whenever it shall be to the advantage of the State forest interests Provided that such action has been authorized by resolution of the State Forest Commission unanimously adopted at a meeting at which a majority of its members are present and voting and has been approved by the Governor

Section 1804 Waters The Department of Forests and Waters shall have the power and its duty shall be

(a) To study consider and determine upon a public policy with regard to the conservation marketing and equitable distribution of the water and power to be derived from the utilization of the water resources of the Commonwealth to the restoration development and improvement of transportation by water to the supply of water and power for municipal domestic and industrial use and to the conservation of water resources by the aid of forestation

(b) To investigate or examine dams walls wing walls wharves embankments abutments projections bridges and other water obstructions determine whether they are unsafe need repair alteration or change in their structure or location or should be removed notify owners to repair alter or change the structure or location or remove the same repair alter or change the structure or location or remove the same in emergencies without notice and at the cost of the owners and apply for injunctions to enforce compliance with or restrain the violation of the law in regard to the safety of dams or the derogatory effect of walls wing walls wharves embankments abutments projections bridges or other water obstructions upon the regiment of streams or the violation of any lawful order or notice the department or the Water and Power Resources Board in regard thereto The power of the department under this paragraph shall extend to and include all types of water obstructions regardless of the date when such obstructions were constructed and whether or not the same were constructed by express or implied permission of the Commonwealth or any agency thereof

(c) To collect such information relative to the existing conditions of the water resources of the State as in the opinion of the department shall be necessary for the utilization of waters and for the conservation purification development and equitable distribution of water and water power resources and in particular for the use of such citizens and communities as may be in need of extended facilities for these purposes

(d) To establish and maintain gauging stations on rivers and their tributaries

(e) To issue bulletins during freshet and flood conditions forcasting gauge heights and the times thereof

(f) To maintain a complete inventory of all the water resources of the Commonwealth collect all pertinent data facts and information in connection therewith classify tabulate record and preserve the same and upon the basis thereof determine with the approval of the Water and Resources Board the points at which storage reservoirs may be constructed for flood control for municipal and domestic supply hydraulic and hydoelectric power steam raising steam condensation navigation and other utilization and generally to devise all possible ways and means to conserve and develop the water supply and water resources of the Commonwealth for the use of the people thereof

(g) To construct maintain and operate works for water storage flood control channel improvement or other hydraulic purposes

Section 1806 Parks The Department of Forests and Waters shall have the power and its duty shall be

(a) To supervise maintain improve regulate police and preserve all parks belonging to the Commonwealth except the Pennsylvania State Park at Erie Washington Crossing Park Valley Forge Park and Fort Washington Park

(b) For the purpose of promoting healthful outdoor recreation and education and making available for such use natural areas of unusual scenic beauty especially such as provide impressive views water falls gorges creeks caves or other unique and interesting features to acquire in the name of the Commonwealth by purchase gift lease or condemnation any lands which in the judgment of the department should be held controlled protected maintained and utilized as State park lands Such lands may be purchased or accepted subject to the conditions of any such lease and subject to such reservations if any of mineral rights rights of way or other encumbrances as the department may deem not inconsistent with such holdings Provided however That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes [nor shall the purchase cost exceed fifty dollars per acre]

(c) To establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of State parks as it may deem necessary to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which State parks are created

(d) To see that conveniences and facilities for the transportation shelter comfort and education of people shall be so designed and constructed as to retain so far as may be the naturalistic appearance of State park areas surroundings and approaches and conceal the hand of man as ordinarily visible in urban industrial and commerical activities

(e) To lease for a period not to exceed ten years on such terms as may be considered reasonable to any citizen or organization of this Commonwealth a portion of any State park whether owned or leased by the Commonwealth as may be suitable as a site for temporary buildings to be used for health recreational or educational purposes or for parking areas or concessions for the convenience and comfort of the public

(f) To study counsel and advise in reference to gifts of lands or money for park purposes

(g) To counsel and advise in reference to the development of park lands by concessionaries with facilities and equipment for the accommodation and education of the public

Section 2110 Sanitary Water Board Subject to any inconsistent provisions in this act contained the Sanitary Water Board shall have the power and its duty shall be-

(a) To exercise all the powers and perform all the duties vested in and imposed upon the Commissioner of Health the Governor and the Attorney General or any of them by sections four and five and sections seven to eleven inclusive of the act approved the twenty-second day of April one thousand nine hundred and five (P. L. 260) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" which reads as follows

"Section 4 No person corporation or municipality shall place or permit to be placed or discharge or permit to flow into any of the waters of the State any sewage except as hereinafter provided But this act shall not apply to waters pumped or flowing from coal mines or tanneries nor prevent the discharge of sewage from any public sewer system owned and maintained by a municipality provided such sewer system was in operation and was discharging sewage into any of the waters of the State at the time of the passage of this act But this exception shall not permit the discharge of sewage from a sewer system which shall be extended subsequent to the passage of this act

"For the purpose of this act sewage shall be defined as any substance that contains any of the waste products or excrementitious or other dischargfes from the bodies of human beings or animals

"Section 5 Upon application duly made to the Commissioner of Health by the public authorities having by law the charge of the sewer system of any municipality the Governor of the State the Attorney General and the Commissioner of Health shall consider the case of such a sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the State and whenever it is their unanimous opinion that the general interests of the public health would be subserved

thereby the Commissioner of Health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State and may stipulate in the permit the conditions on which such discharge may be permitted Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of the said sewer system is located Every such permit for the discharge of sewage from a sewer system shall be revocable or subject to modification and charge by the Commissioner of Health on due notice after an investigation and hearing and an opportunity for all interested therein to be heard therein being served on the public authorities of the municipality owning maintaining or using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued may be stated in the permit but in no case shall it be less than one year or exceed two years and if the length of time is not specified in the permit it shall be one year On the expiration of the period of time prescribed after the service of a notice of revocation modification or change from the Commissioner of Health the right to discharge sewage into any of the waters of the State shall cease and terminate and the prohibition of this act against such discharge shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided

"Section 7 The penalty for the discharge of sewage from any public sewer system into any of the waters of the State without a duly issued permit in any case in which a permit is required by this act shall be five hundred dollars and a further penalty of fifty dollars per day for each day the offense is maintained recoverable by the Commonwealth at the suit of the Commissioner of Health as debts of like amount are recoverable by law The penalty for the discharge of sewage from any public sewer system into any of the waters of the State without filing a report in any case in which a report is required to be filed shall be fifty dollars recoverable by a like suit

"Section 8 All individuals private corporations and companies that are at the time of the passage of this act are discharging sewage into any of the waters of the State may continue to discharge such sewage unless in the opinion of the Commissioner of Health the discharge of such sewage may become injurious to the public health If at any time the Commissioner of Health considers that the discharge of such sewage into any waters of the State may become injurious to the public health he may order the discharge of such sewage discontinued

"Section 9 Every individual private corporation or company shall discontinue the discharge of sewage into any of the waters of the State within ten days after having been so ordered by the Commissioner of Health

"Section 10 Any individual private corporation or company that shall discharge sewage or permit the same to flow into the waters of the State contrary to the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of twenty-five dollars for each offense and a further fine of five dollars per day for each day the offense is maintained or by imprisonment not exceeding one month or both at the discretion of the court

"Section 11 Any order or decision under this act of the Commissioner of Health or that of the Governor Attorney General and Commissioner of Health shall be subject to an appeal to any court of common pleas of the county wherein the outlet of such sewer or sewer system otherwise prohibited by this act is situated and said court shall have power to hear said appeal and may affirm or set aside said order or decision or modify the same or otherwise fix the terms upon which permission shall be granted But the order or decision appealed from shall not be superseded by the appeal but shall stand until the order of the court as above"

Provided That it shall require the affirmative votes of three of the members of the board to authorize the granting of a permit for discharging sewage into any of the waters of the State under section five of the said act

(b) To exercise all other powers not contrary to law formerly exercised by the Department of Health or the Commissioner of Health with regard to granting permits for the erection of sewage disposal works or plants and the construction of sewers or sewer systems

(c) To exercise all the powers not contrary to law exercised by the former Department of Fisheries the former Commissioner of Fisheries and the former Water Supply Commission of Pennsylvania with regard to the prevention of pollution of the waters of this Commonwealth

(d) To investigate hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any [public service company] public utility over which the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission has jurisdiction whenever said commission shall certify such question to the board

The findings of the board upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceeding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law

(e) To make rules and regulations for the effective administration and enforcement of the laws of this Commonwealth prohibiting the pollution of the waters thereof

(f) To study investigate and from time to time report ways and means of eliminating from the streams and waters of the Commonwealth so far as practicable all substances and materials which pollute or tend to pollute the same and to determine and recommend methods of preventing pollution detrimental to the public health or to the health of animals fish or aquatic life or detrimental to the use of waters for recreational purposes The board shall have the power to investigate the character of all wastes discharged into or deposited on the banks of the streams or waters of the Commonwealth and shall make similar investigations and recommendations with regard to the matter of preventing pollution of the waters of interstate streams which touch the boundaries of the Commonwealth

(g) To call upon the Department of Health to make such inspections conduct such investigations and to do such other acts as may be necessary and proper in the exercise of the powers and the performance of the duties of the board

Section 2304 Visitations and Inspections The Department of Welfare shall have the power and its duty shall be

(a) To make and enforce rules and regulations for the visitation examination and inspection of all supervised institutions

(b) To visit and inspect at least once in each year all State and supervised institutions to inquire and examine into their methods of instruction discipline detention imprisonment care or treatment the care treatment government or management of their inmates or those committed thereto or being imprisoned detained treated or residing therein the official conduct of their inspectors trustees managers directors or other officer or officers charged with their management by law or otherwise or having the management care custody or control thereof the buildings grounds premises and equipment thereof or connected therewith and all and every matter and thing relating to their usefulness administration and management and to the welfare of the inmates thereof or those committed thereto or being imprisoned detained treated or residing therein

For these purposes the Secretary of Welfare or other officer inspector or agent of the department shall have free and full access to the grounds premises and buildings of and to all the records books or papers of or relating to any such State or supervised institution and full opportunity to interrogate or interview any inmate thereof or any person or persons committed to or being imprisoned detained treated or residing therein and all persons connected with any such State or supervised institution as officers or charged with the management

hereof by law or otherwise or in any way having the are custody control or management thereof or connected h rewith as employes are hereby directed and required to ve to the Secretary of Welfare or to such officer in- pector or agent of the department such means facilities d opportunity for such visitation examination inquiry nd interrogation as is hereby provided and required or s the department by its duly ordained rules or regu- ations may require

(c) Whenever upon the visitation examination and spection of any State or supervised institution any con- dition is found to exist therein which in the opinion of he department is unlawful unhygienic or detrimental o the proper maintenance and discipline of such State or upervised institution or to the proper maintenance ustody safety and welfare of the inmates thereof or of ne persons committed thereto or being treated detained r residing therein to direct the officer or officers charged y law with or in any way having or exercising the con- rol government or management of such State or super- ised institution to correct the said objectionable condi- ion in the manner and within the time specified by the epartment whereupon it shall be the duty of such officer r officers to comply with the direction of the depart- nent If such officer or officers shall fail to comply with uch direction the department may request the Depart- nent of Justice to institute appropriate legal proceedings o enforce compliance therewith or the department may ithhold any State money available for such institution ntil such officer or officers comply with such direction

(d) To cause to be visited and examined any per- on found by an inquisition to be insane and to authorize uch visiting and examining by an officer or agent of the epartment or any board of visitors or by a physician nd to apply to the court having jurisdiction over the ommittee or guardian of such insane person or to a judge f a court of common pleas of the county in which the in- ane person is a resident or detained to make such orders or the maintenance custody or care of the insane per- on and for the care and disposition of the property of he insane person as the case may require

Section 2307 Recommendations The Department of Wel- are shall have the power and its duty shall be from ime to time to recommend and bring to the attention f the officers or other persons having the management f the State and supervised institutions such standards nd methods as may be helpful in the government and dministration of such institutions and for the betterment f the inmates therein whereupon it shall be the duty f such officers or other persons to adopt and put into ractice such standards and methods

Section 2311 Restoration The Department of Welfare hall have the power and its duty shall be

(a) To require and supervise the transfer of inmates of one penitentiary to another under any law providing nerefor] from one State penal or correctional institution o any other State penal or correctional institution

(b) To formulate and put into operation plans for ne classification of State penal or correctional institutions nd also to formulate and put into operation a program or the classification of inmates so that the inmates may e grouped in those institutions which have the proper acilities

[(b)] (c) To request from any or all magistrates hiefs of police sheriffs district attorneys courts judges robation officers and all others concerned in the control pprehension trial and punishment of criminals and de- nquents in this Commonwealth periodical reports as to ne number and kind of crimes reported the numbers age ex color nativity and offenses of criminals and delinquents rrested tried and otherwise disposed of the sentences im- osed and whether executed or suspended the number laced on probation and the reason therefor the number probation officers and the nature of the oversight ex- rcised over those placed on probation and for the pur- ose of verifying the reports so made the department hall have the power to make such further inquiry or vestigation as may seem to it necessary and it shall be ne duty of all such migistrates and other officers to make ich reports at such time or times and to furnish such facilities for investigation and such cooperation as the department may require

Section 2312 Inmate Labor The Department of Welfare shall have the power and its duty shall be

(a) To establish maintain and carry on industries in the Eastern State Penitentiary the Western State Penitentiary the Rockview Penitentiary the new Eastern State Penitentiary at Graterford the Pennsylvania Industrial Reformatory at Huntingdon and such other penal or correctional institutions of this Commonwealth as it may deem proper in which industries all persons sentenced to such institutions who are physically capable of such labor may be employed at labor for not to exceed eight hours each day other than Sundays and public holidays Such labor shall be for the purpose of doing printing or of manufacturing and producing supplies or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair or for the planting of seed trees or the performance of other work in State forests or for the purpose of industrial training or instruction or in the manufacture and production of crushed stone brick tile and culvert pipe or other material suitable for draining roads of the State or in preparation of road building and ballasting material

(b) To determine the amount kind and character of the machinery to be erected in each of the said penitentiaries reformatory or other penal or correctional institutions of the Commonwealth and the industries to be carried on therein having due regard to the location and convenience thereof with respect to other institutions to be supplied to the machinery therein and the number and character of inmates

(c) To contract to sell or sell the article manufactured or produced in the said industries carried on in the said penitentiaries reformatory or other penal or correctional institutions which cannot be used therein to the Commonwealth or to any county city borough township school district or poor district thereof or to any State institution or to any educational or charitable institution receiving aid from the Commonwealth or to the Government of the United States or any department bureau commission or agency thereof or to any other State or political subdivision thereof or to any institution receiving aid from the Government of the United States or of any other State

(d) To arrange for the employment of inmates of such institutions at such work or labor wihtin or upon the grounds of such institutions as may be necessary for the maintenance of the institutions or the raising of food products therefor

(e) To charge to each such institution such rate per diem as may be paid by the department to such inmate hereunder for his services for the work or labor of each inmate engaged in wok or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor

Also to collect from each such institution for any manufactured supplies or products used by it the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor All amounts collected by the Department of Welfare from such institutions hereunder shall be paid through the Department of Revenue into the Manufacturing Fund in the State Treasury and all such amounts shall be considered a part of such institutions' maintenance expense

(f) To charge to each such institution in like manner for the labor of all inmates engaged in preparing materials for the construction of buildings or in doing construction work such payments to be made by the institutions out of funds available for construction work All moneys received hereunder shall be paid into the Manufacturing Fund through the Department of Revenue

(g) Through the Department of Revenue to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions This clause shall not however apply to the sale of sur-

plus foods products or products of the soil as elsewhere in this act permitted

(h) To pay out of the Manufacturing Fund [for the machinery equipment and material required or used in the carrying on of the industries in the said penitentiaries reformatory or other institutions under the provisions hereof and all salaries of superintendents managers salesmen clerks and others employed in the management of the industries and the wages as hereinafter provided for the labor of the inmates of said penitentiaries reformatory or other institutions in such industries] all expenses necessary for the proper conduct of the work of the department pertaining to the establishment maintenance and carrying on of industries in the State penal and correctional institutions including the payment of salaries wages and other compensation of superintendents managers supervisors chairmen clerks assistants and other employes engaged in the operation and management of such industries the payment of wages for the labor of inmates of such institutions the payment of rentals and other expenses for offices rooms garage space and other accommodations outside of the Capitol buildings either in or outside the City of Harrisburg the erection construction alteration or repair of buildings necessary to house such industries the payment of premiums for workmen's compensation insurance covering officers and employes and for surety bonds for such officers and employes as may be required by law to furnish such bonds the purchase and the payment of the operating cost of motor vehicles required for full-time use including premiums and liability insurance covering such motor vehicles for offcers and employes operating them the payment of mileage charges to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use the purchase of machinery equipment furniture materials supplies and commodities the payment of charges to the Department of Property and Supplies for any purchases or service made through the Puchasing Fund and for the payment of all other necessary expenses

Estimates of the amounts to be expended from the Manufacturing Fund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures or moneys out of this appropriation in excess of the estimates approved by the Governor Subject to this provision the Department of the Auditor General shall from time to time draw warrants upon the Treasury Department for the amounts specified in such requisitions not exceeding however the amount in the Manufacturing Fund at the time of the making of any such requisitions

(i) To require that an account shall be kept by the proper officers of each said penitentiary reformatory and other correctional institution of the labor performed by inmates In such account shall be shown the time each inmate is actually engaged in work the rate of wage at which he is to be paid which shall be regulated by the department In no case shall the amount be less than ten cents for each day of labor actually performed The rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness industry and good conduct of the inmate All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund to be disbursed or held by such institution in the manner following

Three-fourths of the amount of wages payable to an inmate of such penitentiary reformatory or other institution or the entire amount if the inmate so wishes shall constitute a fund for the relief of any person or persons dependent upon such inmate and shall be paid upon the order of the board of trustees of the penitentiary reformatory or other institution in which the inmate is a prisoner to the person or persons establishing such dependency to the satisfaction of such board at such time or times as said board may order

All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary reformatory or other institution in which he was a prisoner Provided however That subject to the rules and regulations of the board of trustees of the penitentiary reformatory or other institution in which such inmate is a prisoner the whole or any part of said sum may be paid to him during his imprisonment for his present needs such rules and regulations to be subject to the approval of the department

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the department may approve and which they are able to provide from other sources but all such work shall be performed the products thereof sold and the proceeds thereof disposed of under the rules and rgeulations of the department covering the same

(1) To supervise the establishment in other State institutions of industries classes in occupational therapy and other means for the employment and training of inmates or patients

Section 2315 State Institutions With regard to State institutions the department shall have the power and its duty shall be

(a) To determine the capacity of such institutions

(b) To determine and designate the type of persons to be received by such institutions the proportion of each type to be received therein and the districts from which persons shall be received by such institutions

(c) To issue requisitions upon the Auditor General for warrants to be drawn by the Auditor General upon the State Treasurer in favor of such institutions for the payment out of moneys specifically appropriated to the department for the purpose of the expenses of administering operating maintaining and developing such State institutions

(d) To require the submission to the department of any contract for repairs alterations or equipment which any such State institution desires to make and to approve or disapprove such proposed contract No such contract shall be valid without the approval of the department as evidenced by the signature of the Secretary of Welfare

(e) To fix and establish charges for all services rendered by State-owned medical and surgical hospitals

Section 2318 Boards of Trustees of State Institutions The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution It shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a superintendent or warden of the institution who shall subject to the authority of the board administer the institution in all its departments [and if the board shall deem it advisable a business manager]

(b) On nomination by the superintendent or warden from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Secretary of Welfare to make such by-laws rules and regulations for the management of the institution as it may deem wise

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions

Board of Trustees of Eastern State Penitentiary of Eastern State Penitentiary at Philadelphia

Board of Trustees of Western State Penitentiary of Western State Penitentiary at Pittsburgh and of the State Penitentiary at Rockview

Board of Trustees of Pennsylvania Industrial School of Pennsylvania Industrial Reformatory hereafter to be known as Pennsylvania Industrial School at Huntingdon

Board of Trustees of State Industrial Home for Women of State Industrial Home for Women at Muncy

Board of Trustees of Pennsylvania Training School of Pennsylvania Training School at Morganza

Board of Trustees of Allentown State Hospital of Homeopathic State Hospital for the Insane at Allentown

oard of Trustees of Danville State Hospital of State
pital for the Insane at Danville Pennsylvania
oard of Trustees of Farview State Hospital of State
pital for the Criminal Insane at Farview.
oard of Trustees of Harrisburg State Hospital of
risburg State Hospital at Harrisburg
oard of Trustees of Norristown State Hospital of
e Hospital for the Insane of the Southeastern Dis-
t of Pennsylvania at Norristown
oard of Trustees of Warren State Hospital of State
pital for the Insane at Warren Pennsylvania
oard of Trustees of Wernersville State Hospital of
e Asylum for the Chronic Insane of Pennsylvania at
th Mountain
oard of Trustees of Torrance State Hospital of West-
State Hospital for the Insane Torrance
oard of Trustees of Ashland State Hospital of State
pital for Injured Persons of the Anthracite Coal
ions of Pennsylvania at Ashland
oard of Trustees of Blossburg State Hospital at Cot-
State Hospital for Injured Persons of the Bituminous
Semi-Bituminous Coal Regions of Pennsylvania at
ssburg
oard of Trustees of Coaldale State Hospital of State
pital at Coaldale Schuylkill County
oard of Trustees of Connellsville State Hospital of
tage State Hospital for Injured Persons of the Bitu-
ous and Semi-Bituminous Coal Regions of Pennsyl-
ia at Connellsville
oard of Trustees of Hazleton State Hospital of State
pital of the Middle Coal Field of Pennsylvania at
leton
oard of Trustees of Nanticoke State Hospital of State
pital of Luzerne County at Nanticoke
oard of Trustees of Philipsburg State Hospital of
tage State Hospital for Injured Persons of the Bitu-
ous and Semi-Bituminous Coal Regions of Pennsyl-
ia at Philipsburg
oard of Trustees of Scranton State Hospital of State
pital of the Northern Anthracite Coal Regions of
nsylvania at Scranton
oard of Trustees of Shamokin State Hospital of State
pital of the Trevorton Shamokin and Mount Carmel
l Fields of Pennsylvania at Shamokin
oard of Trustees of Locust Mountain State Hospital
Locust Mountain State Hospital at Shenandoah
oard of Trustees of Laurelton State Village of Penn-
ania Village for Feeble-Minded Women at Laurelton
oard of Trustees of Pennhurst State School of State
itution for the Feebleminded and Epileptic of Eastern
nsylvania at Pennhurst
oard of Trustees of Polk State School of State In-
ution for the Feeble-Minded of Western Pennsylvania
Polk
oard of Trustees of Selinsgrove State Colony for
leptics of the State Colony for Epileptics at Selins-
ve

ection 2319 [Board of Trustees of Cumberland Valley
te Institution for Mental Defectives The Board of
stees of Cumberland Valley State Institution for
ntal Defectives shall when and as the legislature shall
ropriate money for the purpose cooperative [cooperate]
h the Department of Property and Supplies as pro-
ed in this act in the erection on the property at New
mberland Cumberland County Pennsylvania acquired
the Commission for the Selection of a Site and the
ction of a State Institution for Inebriates of a State
itution for mental defectives
pon the completion of such institution the board of
stees shall manage and control the same as provided
the proceeding section of this act Provided That the
perintendent of such institution shall always be a phy-
an experienced in the treatment of mental diseases and
ntal defectives] New Pennsylvania Industrial School
Maximum Security State Prison Upon the erection
struction and completion of the new Pennsylvania In-
trial School and the Maximum Security State Prison
suant to law the Department of Welfare shall man-
and control the same and shall have such powers and
ies with respect thereto as are provided by law

Section 2402 Grounds Building and Monuments in General The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capital Building and the public grounds and buildings connected with the State Capitol including the State Arsenal] and the Executive Mansion and to make or supervise the making of all repairs alternations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

(b) To employ such captains sergeants of police and police officers as may be necessary to preserve good order in the Capitol grounds and buildings and fix their compensation Provided however That the number and compensation of such captains sergeants and officers shall be subject to the approval of the Governor Such captains sergeants and officers shall be known as the Capitol Police

(c) To employ such help as may be reasonably necessary for the cleaning care and preservation of the Capitol grounds and buildings and the furnishings therein for operating the mechanical plants in the Capitol buildings and the Executive Mansion and for service at the Executive Mansion

(d) To contract in writing for and rent proper and adequate offices rooms or other accommodations outside of the Capitol buildings for any department board or commisison which cannot be properly and adequately accommodated with offices rooms and accommodations in the Capitol buildings and in all cases in which the head of a department for such department or for a departmental administrative board or commission within such department or an independent administrative board administrative board or commission with the approval of the Executive Board has established or is about to establish a branch office in any city or place outside of the capital city with the approval of the Board of Commissioners of Public Grounds and Buildings to contract in writing for and rent such offices roms and other accommodations as shall be proper and adequate for such department board or commission The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles either in or outside of the capital city at such rentals or rates as it shall deem reasonable The department may also if the General Assembly shall have appropriated funds therefor lease any lands which may be necessary for use by any department board or commission in the exercise of its powers or the performance of its duties It shall be unlawful for any other department board commission or agency of the State Government to enter into any leases but the Department of Property and Supplies shall act only as agent in executing leases for departments boards and commissions the expenses of which are paid wholly or mainly out of special funds and in such cases the rentals shall be paid out of such special funds

(e) To employ and with the approval of the Governor fix the compensation of such capable superintendents of construction engineers or inspectors as may be necessary properly to supervise building repairing altering adding to or improving State buildings in cases in which the work is not being done directly by or under contract with the Department of Property and Supplies Such superintendents engineers or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs alterations additions or improvements to existing buildings shall be faithfully carried out and shall be subject to appeal to and final decision by the head of the department define determine and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work

(f) Out of funds appropriated to the department therefor to purchase or condemn land with or without buildings thereon for the purpose of adding the same to any of the public lands or parks or for use as sites for or in

connection with arsenals armories military reservations intermediate landing fields hospitals normal schools teachers' colleges penal or correctional institutions or other institutions of the Commonwealth whenever in the judgment of the Governor the purchase or condemnation of such land is necessary or whenever such purchase or condemnation shall have been authorized by law and an appropriation shall have been made therefor The condemnation of land hereunder shall be in the manner provided by the act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred seventy-six) entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws and an appropriation made therefor" its amendments and supplements Except as otherwise in this act expressly provided no other department board or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid any other act of Assembly heretofore enacted to the contrary notwithstanding

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected Provided That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board

(h) Whenever loss or damage by fire or other casualty shall occur to any structure building equipment or other property owned by the Commonwealth and be reported to the department to make an examination thereof and in its discretion subject only to the approval of the Governor to rebuild restore or replace the property damaged or destroyed and for that purpose to have plans and specifications prepared and contracts executed and to supervise the erection construction or replacement thereof such rebuilding restoration or replacement to be in substantial accord with the original character use and purposes of the property damaged or destroyed The cost of the materials furnished and work and labor performed under such contracts shall be certified by the department to the Auditor General who shall issue his warrant against the State Insurance Fund of this Commonwealth which warrant shall be paid by the State Treasurer in the manner provided by law Provided That whenever the department shall have taken such action as will involve expenditures from said fund it shall forthwith certify the probable amount of expenditure to the State Treasurer who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into

(i) To rent to individuals firms or corporations such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year

(j) From time to time to rent to persons associations or corporations upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings the auditorium in the South Office Building Number Two when it shall not be required for the Commonwealth's use

(k) To establish standards for and supervise generally the operation of all mechanical and electrical equipment used in connection with the operation of any State institution or other State building

Section 2403 Standards and Purchases The Department of Property and Supplies shall have the power and its duty shall be

(a) To formulate and establish standards or specifications whenever practicable for articles materials supplies furnishings and equipment used by administrative departments independent administrative departmental administrative and advisory boards and commissions but no specification shall be fixed as a standard until it shall be approved by a majority of the departments boards and commissions using the article material or supply described in the specifications

(b) To enter into contracts for supplying all stationery printing paper and fuel used in the legislative and other departments of the Government and for repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees All such contracts shall be awarded to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor the Auditor General and the State Treasurer

(c) To purchase in like manner (exclusive of the requirement as to maximum price) all other furniture materials or supplies required by the legislative and other departments of the State Government except as otherwise provided in this act

(d) To distribute stationery paper and fuel to the legislative and other departments of the government and arrange for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees upon requisition of the Governor or of the appropriate administrative department or independent administrative board or commission or the proper officer of the General Assembly or of the judicial department as the case may be Provided That all requisitions for furniture materials or supplies required by any department administrative board commission or officer or any advisory board or commission shall be made by the administratve department with which such departmental administrative board commission or officer or such advisory board or commission is connected And provided further That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any bienninal appropriation for furniture stationery materials and supplies allocated to such department board or commission by the Governor shall have been expended for such department board or commission

(e) To act as the purchasing agency for any administrative department or independent administrative or departmental administrative board or commission which by law is authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by it or out of moneys specifically appropriated to it by the General Assembly except that all departments boards and commissions requiring perishable food-stuffs [or fuels] for use in State institutions may purchase such food-stuffs [and fuel] directly and any department board or commission having charge of a State institution which is able after competitive bidding to purchase any article for a less price f o b the institution than the price at which such article can be furnished by the Department of Property and Supplies f o b the institution may purchase such article directly All purchases made by the Department of Property and Supplies as purchasing agency under this clause shall conform to schedule unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from schedule and all purchases made directly for any State institution shall conform to the specification contained in the schedules or if the article be not included in the schedules then to the standard specification if any adopted by the Department of Property and Supplies for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification

(f) To collect and furnish on request market prices and such other information as will be serviceable in purchasing to any institution receiving State funds directly or indirectly

(g) To authorize any other department or any board or commission to make direct purchases in the field not

exceeding a specified amount but the department shall require records of all such purchases to be transmitted to it periodically in such form as it may prescribe In so far as practicable purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies and shall be in accordance with applicable specifications in such contracts otherwise such purchases shall be made from the lowest of at least two bidders

Section 2404 Bonds and Liability Insurance The Department of Property and Supplies shall have the power and its duty shall be

(a) To procure from a corporation or corporations authorized by law to act as sureties in the Commonwealth of Pennsylvania good and sufficient bonds which shall be approved by the Attorney General and filed with the State Treasure to meet the requirements of law in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth for the faithful performance of their official duties or to account for State funds in their possession Provided That if and when the Commonwealth shall establish its own indemnity fund such bonds shall be purchased only in such cases as the Executive Board may require

(b) To produce liability insurance covering vehicles owned by the Commonwealth and operated by State officers or employes or State officers or employes operating vehicles loaned by the Federal government and in its discretion excess fire insurance on State buildings and any other kind of insurance which it may be lawful for the Commonwealth or any department board commission or officer thereof to carry and for which an appropriation has been made to the department

The department shall pay for such insurance out of the moneys appropriated to it except that it shall not pay for insurance covering officers employes or property of the departments boards and commissions whose expenses are wholly paid out of funds other than the General Funds of the State Treasury and except officers employes and property of State institutions Insurance covering the officers employes and property of such departments boards and commissions shall be paid for out of the special funds appropriated to them and insurance covering the officers employes and property of State institutions shall be paid for out of the moneys appropriated for their maintenance

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe opertaing the vehicle against claims for damages for injury to person or property within such limits as the department with the approval of the Executive Board shall prescribe

Section 2405 Sale of Unserviceable Property The Department of Property and Supplies shall have the power and its duty shall be to receive from the several administrative departments and independent administrative and departmental administrative boards and commissions unserviceable personal property of this Commonwealth to issue a receipt therefor make a complete record thereof and if no other department board or commission is able to make use of the same presently then as soon as convenient to sel lthe same either at public auction or private sale in the city of Harrisburg or elsewhere as may be deemed advisable Exceptin the case of perishable property such sales shall if the department deems it feasible in view of the value of the property involved be advertised in not exceeding five newspapers of the Commonwealth once a week for three weeks such advertisements to state the time place and conditions of any such sale but if after such advertising the department is unable to obtain a bid for the property it may be demolished or destroyed Provided That when the unserviceable property is located [at a State institution] outside the city of Harirsburg the [department] Department of Property and Supplies in its discretion may authorize [such institution] the department board or commission having possession of the same without advertising to obtain at least two bids in the locality where the property is located Such bids shall be referred to the [department] Department of Property and Supplies and if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale the department may authorize the [institution] department board or commission having possession of the same to sell the property locally to the highest bidder to take a proper receipt therefor and to transmit the proceeds to the [department] Department of Property and Supplies to be by it paid into the State Treasury through the Department of Revenue And provided further That whenever any department board or commission shall deliver to the Department of Property and Supplies any unserviceable personal property and at the same time requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid or request said department as purchasing agency to purchase new property of a similar character the Department of Property and Supplies [with the approval of the Board of Commissioners of Public Grounds and Buildings] shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash and to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value the Department of Property and Supplies is authorized and directed to advertise as hereinabove provided The Department of Property and Supplies shall obtain from the person partnership or corporation to which any personal property is delivered in exchange under the authority of this section a receipt therefor describing such personal property and specifying the value at which it was taken in exchange and such receipt shall be delivered to the Auditor General attached to the requisition for the payment of the balance of the purchase price due for the new property purchased The proceeds of sales of personal property hereunder shall be transmitted bv the Departmnt of Property and Supplies to the Department of Revenue which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased

Section 2406 Publications The Department of Property and Supplies shall have the power and its duty shall be

(a) To edit for publication all reports bulletins and other publications of the various departments boards and commissions of the State Government

(b) With the approval of the President pro tempore of the Senate and the Speaker of the House to determine the size and character of the various publications to be printed for the use of the General Assembly Provided That the quantity of any new publication for the members and officers of the General Assembly shall be fixed by act or resolution And provided That the members and officers of the General Assembly shall receive not less than the same number of advance sheets of the laws bills calendars journals Pamphlet Laws department reports and other publications as is now authorized by law which shall be distributed to the members and officers of the General Assembly only on the requisition of the librarian of the Senate and the resident clerk of the House of Representatives

With the approval of the Governor to determine the need size character quantity and method of distribution of the various publications to be printed for the use of or distribution by the several departments boards commissions and other agencies engaged in the administrative work of the State Government Provided That in the case of reports made by the several departments boards or commissions the department board or commission making the report shall be consulted with regard to the need size character quantity and method of distribution of such reports

With the approval of the Governor and of the Chief Justice of the Supreme Court of Pennsylvania to deter-

mine the size character quantity and method of distribution of the various publications to be printed for the use of the judicial department

Unless specifically authorized by act or resolution no public printing and binding shall be ordered performed or furnished by the department for the General Assembly or any department board commission or other agency of the State Government until a requisition for said work or materials has been presented to the department duly signed by the chief clerk or librarian for the Senate the chief clerk or president clerk for the House of Representatives or the head or the person or persons who may be given such authority by the head of the department or the chief executive officer or other authorized representative of the board commission or other agency of the State Government making such requisition

(c) To compile and edit a State Manual which shall be published annually or biennially under such name as the department and the Governor shall determine The members and officers of the Senate and House of Representatives shall be given for distribution of said publication not less than the number that they were heretofore given of Smull's Legislative Hand Book The number to be published for the several State departments boards and commissions shall be fixed by the department with the approval of the Governor If in the judgment of the department it is deemed advisable to publish copies of said manual in addition to those herein authorized which can be sold at the cost of printing and binding the department is authorized to publish such additional copies and pay the amount realized from the sale of same to the State Treasurer through the Department of Revenue

(d) To enter into contracts for furnishing all printing used in the legislative and other departments of the government and the printing binding and distributing of the laws journals department reports and all other printing and binding lithographing cuts plates dies and supplies and material incident thereto which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor Auditor General and State Treasurer

(e) To distribute all documents upon requisition of the persons entitled to make requisition therefor by causing the same to be packed in packages or boxes addressed as reqired in the requisition and delivered personally at the office of the department or free at the post office express or freight office indicated in the requisition Provided That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for documents allocated to such department board or commission shall have been expended for such department board or commission

(f) To furnish blank requisition forms at cost to all persons entitled to make requisitions upon the department for documents stationery furniture or supplies of any character

(g) From time to time to solicit by advertising proposals for the purchase of all waste paper documents and other materials that have been accumulated and are no longer needed and the department is hereby authorized to make sale thereof by contract or contracts to the highest bidder upon such terms and conditions as it shall determine but the department shall have the right to reject any and all proposals for the sale The proceeds of any such sale shall be paid into the General Fund in the State Treasury through the Department of Revenue

(h) To publish advance sheets of the Pamphlet Laws and to transmit one copy thereof by mail to each department board and commission of the State Government to each prothonotary and to each law judge of the courts and to every county and public library of this Commonwealth and to each member of the General Assembly Such copies shall be furnished without charge The department shall also mail to any persons who shall pay to it the sum of five dollars one copy of each such law enacted during any legislative session All moneys received hereunder shall be paid into the General Fund in the State Treasury through the Department of Revenue

(i) To copyright in the name of the Commonwealth all publications of the Commonwealth or of any department board or commission or officer thereof including the State Reports which under existing or future laws it shall be necessary to have copyrighter and such other publications as the Secretary of Property and Supplies with the approval of the Governor shall deem it advisable to copyright

(j) To distribute to the public upon payment to the department of such sum per copy as shall cover the cost of publication any documents published by the department for the Commonwealth or any department board commission or officer thereof which shall cost more than five cents per copy to publish except documents published for the Governor and the General Assembly which shall be distributed without charge as heretofore To administer this subsection the department may publish for free distribution to applicants therefor a price-list showing the publications which the department is prepared to furnish to the public and the charges for each such document All moneys collected by the department hereunder shall be paid through the Department of Revenue into the General Fund in the State Treasury except that if the cost of publishing any document sold by the department hereunder shall have been paid out of any special fund in the State Treasury the proceeds of the sale thereof shall be paid into such special fund through the Department of Revenue

Section 2407 Automobiles The Department of Property and Supplies shall upon the effective date of this act take over and thereafter assume responsibility for the maintenance and operation of all automobiles owned by the Commonwealth or any administrative department board or commission thereof except the Department of Highways

After the effective date of this act all automobiles required for use by the administrative departments boards commissions and officers of the State Government shall be purchased by the Department of Property and Supplies but in purchasing automobiles required for the use of any department board or commission having authority to purchase automobiles out of money appropriated to it the Department of Property and Supplies shall act as purchasing agency

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth except those operated by the Department of Highways unless in any case it shall specifically authorize any department board commission or officer to make or order the making of repairs to any specified automobiles and except emergency repairs necessarily made while any automobile is away from its garage

The Department of Property and Supplies may assign to any department board or commission such automobiles as may be required by it for full-time daily use and such automobiles shall be operated by employes of such departments boards or commissions The Department shall maintain a sufficient number of automobiles not assigned to departments boards or commissions to meet the requirements of departments boards and commissions which do not require the full-time daily use of automobiles and to meet extraordinary and occasional demands of all departments boards and commissions other than the Department of Highways Such automobiles with or without chauffeurs shall be furnished to departments boards or commissions upon requisition of the heads of the respective departments or of the executive officers of the respective boards or commissions This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes

The cost of oil gasoline tires repairs parts for and repairs to automobiles permanently assigned to depart-

ments boards and commissions shall be paid out of the appropriations to such departments boards and commissions but the Department of Property and Supplies shall contract for all such oil gasoline tires repair parts and repairs except that repairs may be made by the Department of Highways and if authorized as hereinbefore provided by other departments and by boards and commissions For the use of other automobiles departments boards and commissions shall be billed by the Department of Property and Supplies upon a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments boards or commissions to the Department of Property and Supplies and shall be by it paid into the General Fund of the State Tresaury through the Department of Revenue

The Department of Property and Supplies shall require every administrative department including the Department of Highways and every independent administrative and departmental administrative board or commission to report to it monthly upon forms supplied by it and with such detail as it shall require the places to and from which each automobile was operated the mileage travelled the amount of oil and gasoline purchased the names of employes of the department board or commission operating each automobile the names of the employes of the department board or commission for whom the automobiles were operated and such other information as may be necessary to enable the Department of Property and Supplies to make and keep complete records of the use and cost of operation of all State automobiles except that it shall not be necessary for the Department of the Auditor General the Treasury Department or the Pennsylvania State Police to report the places to and from which or the names of the persons by or for whom automobiles were operated

The types and number of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board

Section 2408 Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies or to any other department or to any administrative board or commission for the erection of new buildings or sewage or filtration plants other service systems or athletic fields or other structures or for alterations or additions or repairs to existing buildings or to such plants systems fields or structures to cost more than [ten thousand dollars ($10,000)] one thousand ($1,000) the following procedure shall apply unless the work is to be done by State employes or by inmates or patients of a State institution or State institutions or unless the department board or commission to which the General Assembly has appropriated money for the foregoing purposes is by this act or by the act making the appropriation authorized to erect alter or enlarge buildings independently of the Department of Property and Supplies or under a different procedure

(a) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission such department board or commission shall notify the Department of Property and Supplies as soon as it is ready to have plans and specifications for the work prepared

(b) Promptly after such notice in such cases or promptly after any appropriation made to it becomes available the Department of Property and Supplies shall select an architect and if necessary an engineer or both to design the work and prepare the specifications therefor but in the case of a building to be done for the use of any other department or any board or commission (unless the building is on the Capitol grounds) the selection of the architect and engineer if any shall be subject to approval by such department board or commission and in case of departmental administrative boards or commissions by the departments with which such boards or commissions are respectively connected Any architect or engineer so selected and approved shall submit promptly the name or names of his associate architect or engineers to the Department of Property and Supplies for its approval

(c) The Department of Property and Supplies shall enter into a contract with the architect [and] or engineer [if any] which shall provide a date for the completion of the plans and specifications and that the plans and specifications must meet with the approval of the department board or commission for which the building is being erected altered or enlarged (unless the building is on the Capitol grounds) and in the case of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected to the extent of the type and general character of the building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared that the plans drawings and specifications must be approved by the Department of Propery and Supplies that the exterior design of the building must be approved by the State Art Commission and that the plans and specifications must be approved by the Department of Labor and Industry and the Department of Health to the extent to which those departments respectively have jurisdiction to require the submission to them for approval of certain features of the building Such architect [and] or engineer [if any] in preparing plans and specifications shall consult with the department board or commission for which the building is to be erected altered or enlarged [(unless the building is on the Capitol Grounds)] but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications within the time prescribed in the architect's [and] or engineer's contracts unless it shall agree to an extension thereof

Every department board or commission whose approval of plans [or] and specifications is required hereunder shall within [sixty] twenty days after submission thereof by the architect or engineer approve or disapprove all sketches drawings specifications and other documents and shall inform the architect or engineer of decisions in such reasonable time as not to delay him in his work

(d) Upon the completion of the plans and specifications and their approval by all necessary State agencies the Department of Property and Supplies shall invite proposals by advertisements inserted at least three times in not less than six or more than twelve newspapers of large general circulation in different parts of the Commonwealth The first and last publications of any such advertisement shall be at least ten days apart and the department shall not advertise hereunder in more than three newspapers in the same county

(e) The department may invite proposals either for completely erecting altering or adding to any building or separately for parts of the work or both Whether it shall invite proposals for part of the work and if so for what parts shall rest within the sole discretion of the department

(f) All proposals shall be accompanied by certified or bank checks in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement and shall be publicly opened and tabulated at the time and place specified in the advertisement

(g) The department shall as soon as practicable award the contracts to the lowest responsible qualified bidder but it shall have the right to reject any or all bids to waive technical defects and to accept or reject any part of any bid if in the judgment of the department the best interests of the Commonwealth shall require it

(h) No proposal for any contract shall be considered unless accompanied by a certified or blank check as prescribed by the department at the time of advertising A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a con-

tract shall have been awarded must within ten days after such award substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work as shall have been prescribed by the department in its invitation for proposals and an additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work as prescribed by the department in its invitation for proposals conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work whether or not the material or labor enter into and become component parts of the building Such additional bond shall be held by the Department of Property and Supplies for the use of every party who whether as sub-contractor or otherwise has furnished material or supplied or performed labor in the prosecution of the work as above provided and who has not been paid therefor and among other things shall provide specifically that any such party may bring a suit thereon in the name of the Commonwealth for his their or its own use prosecute the same to final judgment for such sum or sums as may be justly due and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit Each surety bond required hereunder shall have as surety a surety company authorized to transact business in this Commonwealth or two individual sureties approved by the Department of Justice

(i) No contract shall be valid or effective unless a certified copy thereof detail break-down sheet of the work and contract price of the work involved shall have been filed in the offices of the Auditor General the State Treasurer and the department board or commission for which the work is to be done promptly after the execution of the contract

(j) The enforcement of all contracts provided for by this section shall be under the control and supervision of the Department of Property and Supplies In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract and on the specifications such disagreement shall be subject to decision by the Department of Justice and its decision shall be final

(k) The Department of Property and Supplies shall examine all bills on account of the contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in a workmanlike manner and in accordance with the contract approve the bills and issue its requisition therefor or forward its certificate to the proper department board or commission as the case may be

(l) The Department of Property and Supplies shall have the right to engage the services of any consulting or supervising engineer or engineers whom it may deem necessary for the proper designing of or inspection or supervision of buildings erected altered or enlarged by the department hereunder

(m) Changes in the plans or specifications or both may be made after their approval only with the consent of all of the departments boards and commissions whose approval of the original plans or specifications or both was necessary hereunder

(n) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission the Department of Property and Supplies shall award and enter into the contract as agent for the department board or commission to which the appropriation was made

Section 2409 Method of Awarding Contracts for Stationery Paper Fuel Repairs Furishings and Supplies The Department of Property and Supplies shall [on or before the first day of February in each year] notify the Governor the several administrative departments the independent administrative departmental administrative and advisory boards and commissions the chief clerks of the Senate and House of Representatives and the proper officers of the judicial department respectively to furnish at such times as the Department of Property and Supplies may require lists of all equipment furniture and furnishings supplies repairs alterations improvements fuel and all other articles that may be needed by their respective departments boards or commissions or the Senate or the House of Representatives for [the fiscal year beginning the first day of June next following] such periods as the Department of Property and Suplies shall prescribe excepting only perishable foodstuffs [and fuel] for the State institutions and repairs or alterations which are not to be made by the Depratment of Property and Supplies

Upon receipt of such lists the Department of Property and Supplies shall as far as practicable consolidate and classify the articles named therein taking care that there shall be full descriptions given with make and number of goods when possible and proper maximum price fixed and shall prepare annual semi-annual or quarterly schedules thereof as deemed for the best interests of the Commonwealth Whenever deemed necessary it shall have plans designs and specifications prepared of any equipment furniture or furnishings repairs alterations and improvements paying for the preparation of the same out of the funds appropriated to the department

The department shall state in the schedules that the work or articles for which the plans designs and specifications are prepared are to be done or furnished in accordance therewith and that the plans designs or specifications will be found in its office for inspection and copies of the same shall be furnished to the successful bidders The schedules shall state that bids will be received on one or more of the items of any classification of the schedules In such schedules the form of proposal shall be given and all other information which the department shall consider necessary for the bidder In preparing the lists or schedules the department shall in all cases give preference to goods of American production or manufacture The quantities given in the schedules shall be the estimated maximum quantities that are likely to be required during the term of contract but the schedule shall in all cases provide that the goods shall be furnished in greater or less quantity and at such times as the needs of the departments boards commissions and the Senate and House shall require

The schedules shall also provide whenever practicable a per diem penalty or forfeiture after a stated time for the failure of a contractor to finish or furnish the work or materials contracted for which penalty or forfeiture shall be deducted by the Auditor General from the amount of the contractor's bill before settlement is made when so directed to do by the department

The department after conferring with the heads of the various departments boards commissions and the chief clerks of the Senate and House shall have the power to make such changes in the schedules as may be deemed proper and may standardize any or all articles therein When the schedules have been finally prepared they shall be [printed in pamphlet] prepared in such form as the department shall deem advisable and shall be the schedules of stationery paper supplies fuel equipment furniture furnishings repairs alterations improvements and other matters and things needed for the public grounds and buildings the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion

The department shall not less than six weeks prior to the termination of schedule contracts now existing or that may be made in the future advertise the opening of bids for the annual semi-annual or quarterly schedules by advertising inserted for at least three days the first and last publication to be at least ten days apart in not less than six or more than twelve newspapers of extensive general circulation in different parts of the Commonwealth not more than three of which shall be published in any one county invite sealed proposals for contracts to furnish all stationery supplies paper and fuel used by the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion and for repairing altering improving furnishing or refurnishing and all other matters

or things required for the public grounds and buildings legislative halls and rooms connected therewith the rooms of the several departments boards and commissions and the buildings connected with the State Capitol and the Executive Mansion the advertisement shall contain a reference to the schedules so [printed] prepared by the department and as briefly as practicable invite bids for the furnishing of articles named in the schedules and give notice of the time and place where such bids will be received and when they will be opened

All proposals shall be delivered to the department on or before [twelve o'clock meridian] the hour designated in the proposal on the day set by the department following the date of the last advertsement and each bid shall be in duplicate one of which shall be marked "Duplicate Bid" Each bid together with the proper certified or bank check as provided for in this act shall be enclosed in an envelope securely sealed and shall be mailed or delivered to the department which shall retain all envelopes unopened until the time fixed for the opening thereof

The department shall on the date fixed for opening of bids at [twelve o'clock meridian] the hour designated in the proposal open and publish said proposals and as soon thereafter as practicable award the contracts to the lowest responsible bidder on each of the items of the several classifications of the schedules The department shall have the right to reject any or all bids The bids when opened shall be tabulated and shall be subject to examination by bidders A record of all bids shall be made by the department in a book kept for that purpose

When no proposal has been received or if for any reason the department shall reject all proposals the department shall reject all proposals the department shall advertise again for proposals giving at least fifteen days' notice of the time of receiving the same which proposals shall be opened awarded and approved in like manner as heretofore provided

[No] Except as hereinafter provided no proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check to the order of the State Treasurer in one-fourth the amount of the estimated contractor by a bond in such form and amount as may be prescribed by the department Any such bond shall be conditioned for the faithful performance of the terms of the contract if awarded and shall have as surety one surety company authorized to act as surety in this Commonwealh or two individual sureties approved by the Department of Justice

A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded may within ten days after such award substitute for said check a bond as herein prescribed otherwise said check shall be retained in lieu of a bond

The department may in its discretion permit a bidder to file a bond for an annual period to cover proposals that may be made from time to time by such bidder during such period Such bond shall be in such amount as the department may determine and may be increased from time to time as the department may require in order to keep the same commensurate with proposals made from time to time by such bidder during such period Any such bidder to whom a contract shall have been awarded shall within ten (10) days after such award file a bond conditioned for the faithful performance of the terms of the contract

The department may in its discretion permit a bidder to file a bond to cover proposals made by and the performance of contracts awarded to any such bidder during an annual period Such bonds shall be in such amount as the department may prescribe and may be increased from time to time during the annual period by the department to keep the same commensurate with the contracts awarded to such bidder during such period

In the event that any contractor shall fail to fulfill or comply with the terms of any contract such contract shall be awarded to the next lowest responsible bidder and the department shall request the Department of Justice to bring suit against the failing contractor or his sureties to recover the loss sustained by the Commonwealth by the reletting

All conrtacts awarded shall be severally void unless first approved by the Governor the Auditor General and the State Treasurer and when so approved together with all checks or bonds given for their faithful performance be filed with the department which shall keep a record of the same and shall within twenty days after the award certify copies of all said contracts to the Auditor General The bonds and certified checks of all unsuccessful bidders shall be returned to such bidders as soon as practicable after contracts have been awarded and approved but not later than sixty days after the date of opening the proposals

The enforcement of all contracts provided for by this act and of all similar contracts heretofore entered into and now in force shall be under the control and supervision of the department

The department shall receive from the contractor or contractors the articles mentioned in the schedules Articles contracted for must be furnished promptly It shall be the duty of the department to reject all articles not up to the standard required and if a contractor shall fail to exchange them for articles that meet the requirements prescribed or shall fail to deliver any article within a reasonable time the department may go into the open market and purchase articles to take the place of those adjudged to be of inferior quality or which have not been delivered and deduct the expense including any excess in price over that called for in the contract from the amount due the contractor from the Commonwealth If the amount due said contractor is not sufficient to meet such expenses and excess price paid for the articles purchased the department may proceed against the contractor or his sureties under the bond aforesaid by proper action through the Department of Justice

In all cases where a lump sum contract containing a provision for partial payments on account of materials delivered and work done is entered into by the department a percentage to be fixed by the department of the amount due as set forth in the contract shall be withheld from the contractor by the Auditor General until the department shall certify that the contract has been fully complied with

The department except in those cases where the department acts in the capacity of purchasing agent shall examine all bills on accounts of contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in accordance with the contract and approve the bills When so approved the bills shall be audited settled and paid by the Auditor General and State Treasurer in the manner provided by law

It shall be the duty of the department when the articles named in the schedules are received from the contractors to care for them properly in storage rooms and the department shall be held responsible for their safekeeping

The Board of Commissioners of Public Grounds and Buildings shall provide suitable storage rooms for the furniture stationery supplies and fuel that may be procured

Whenever the Governor the heads of departments the executive officers of independent administrative boards and commissions the chief clerks of the Senate and House of Representatives or the proper officers of the judicial department shall require any portion of the stationery supplies fuel furniture furnishings repairs alterations improvements and other matters or things appearing in the schedules for which contracts have been awarded by the board a requisition giving number and description of the item needed shall be made on the department which shall cause the article to be delivered taking a proper receipt therefor

Whenever any administrative department or any independent administrative or departmental administrative board or commission shall call upon the department to purchase for it as purchasing agency any article named in the schedules if the department has such article on hand it may deliver the same to such department board or commission and forthwith [as purchasing agency for such department board or commission purchase another article to replace the article so delivered such replace-

ment] bill such department board or commission for the cost of the same such bill to be paid for out of the appropriation available to the department board or commission for the purchase of the article

In the event that requisitions are made upon the department for any article of furniture furnishings stationery supplies fuel or any other matter or thing the want of which was not anticipated at the time of the making of the schedules the department may in its discretion invite proposals from at least two responsible bidders unless the article can be procured from only one source and when one proposal shall be invited such proposal or proposals together with such requisition or requisitions shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval [at its next meeting] Provided however That the department may in its discretion purchase in the open market without inviting any proposal any such article costing less than fifty dollars but all such purchases shall be reported to the Board of Commissioners of Public Grounds and Buildings at its next meeting

Whenever any contract for the furnishing of materials for use in the construction or maintenance of highways exceeds five hundred dollars ($500.00) in amount and includes the performance of labor or the use of other materials in the delivery of such material to the site of the work or in the incorporation thereof into the completed structure the Department of Property and Supplies shall require the contractor to furnish an additional bond conditioned for the payment of labor and materials in the same manner as is required by paragraph (h) of section two thousand four hundred and eight of the Administrative Code to which this act is an amendment

Section 2414 State Art Commission Subject to any inconsistent provisions in this act contained the State Art Commission shall have the power and its duty shall be to examine and approve or disapprove the [exterior] design and proposed location of all public monuments memorials buildings or other structures except in cities of the first or second class in accordance with the act approved the first day of May one thousand nine hundred and nineteen (Pamphlet Laws one hundred three) entitled "An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings requiring the approval of the commission of the design and location of all public monuments memorials buildings or other structures and certain private structures proposed to be erected anywhere in this Commonwealth other than in cities of the first and second classes" and any amendments thereto

Section 2 That article twenty-six of the said act is hereby amended to read as follows

Article XXVI

Powers and Duties of the [Board of Game Commissioners] Pennsylvania Game Commission and Its Enforcement Officers

Section 2601 Powers and Duties in General The [Board of Game Commissioners] Pennsylvania Game Commission shall subject to any inconsistent provisions in this act contained [continue to] exercise the powers and perform the duties by law vested in and imposed upon the said [board] commission

Section 2602 Enforcement of Game Laws The [Board Game Commissioners] Pennsylvania Game Commission shall have the power and its duty shall be

(a) To protect propagate and preserve the game furbearing animals and protected birds of the Commonwealth and to enforce by proper action and proceedings the law relating to the same

(b) To appoint such number of game protectors as the Governor shall approve at such compensation as the Governor shall approve to assist the [board] commission in the proper discharge of its duties and such number of deputy game protectors as the Governor shall approve Deputy game protectors shall not receive any compensation for services rendered or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the [secretary of the board] executive director of the commission

The [secretary of the board] executive director of the commission shall be the Chief Game Protector and shall have the direction supervision and control of the other game protectors

Section 2603 Special Hunters' Licenses The [Board of Game Commissioners] Pennsylvania Game Commission shall have the power to issue special deer licenses special licenses to persons of known scientific attainment agents of public museums teachers of ornithology breeders taxidermists and fur dealers and other special licenses upon such terms and conditions and upon payment of such fees as may from time to time be provided by law

Section 2604 State Game Refuges and Farms The [Board of Game Commissions] Pennsylvania Game Commission shall have the power to acquire lands with or without mineral reservations by purchase lease or gift and to establish and maintain State Game Refuges and Game Farms State Game Propagation Areas and Special Preserves for the protection and propagation of game as may now or hereafter be authorized by law

Section 2605 Powers of Game Protectors Each member of the [Board of Game Commissioners] Pennsylvania Game Commission the executive [secretary] director of the [board] commission each game protector and each deputy game protector shall have the power

(a) To enforce all the laws relating to game or other wild birds or wild animals and to go upon any property outside of buildings posted or otherwise in the performance of his duty

(b) To execute all warrants and search warrants for the violation of the laws relating to game or other wild birds or wild animals

(c) To serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to game or other wild birds or wild animals

(d) To carry firearms or other weapons concealed or otherwise in the performance of their duties

(e) To arrest without warrant any person found in the act of violating any provisions of the laws relating to game or other wild birds or wild animals or in pursuit immediately following such violations or any person whom they have reason to suspect as being an unnaturalized foreign born resident when such person has in possession a firearm or a dog of any kind

(f) To call upon any citizen of this Commonwealth for assistance in making arrests

(g) To search without warrant and examine any person or any boat conveyance vehicle game bag game coat or other receptacle for game or any camp tent or cabin in the presence of any person stopping at or belonging to such camp tent or cabin or any roster when he has reason to believe and has stated to the suspected person or persons in charge his reason for believing that any of the laws relating to game or other wild birds or wild animals has been violated

(h) To secure and execute search warrants and in pursuance thereof to enter any building enclosure or car and to break open any apartment chest locker box trunk crate basket bag package or container and to examine the contents thereof

(i) At any time in any manner or for any purpose to seize and take possession of all birds or animals which have been caught taken or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to the laws of this Commonwealth (j) To seize all guns shooting or hunting paraphernalia traps dogs boats decoys or other appliances used in violation of any of the laws relating to game or other wild birds or wild animals when making an arrest or found in the execution of a search warrant

(k) To administer any oath required by the provisions or relative to any violation of any law relating to game found in a camp or in possession under control or other wild birds or wild animals and where game is found in a camp or in possession or under control of any individual or hunting party to question such person or persons under oath relative to the taking ownership or possession of the same

Section 3 That article twenty-eight of the said act is hereby amended to read as follows

Article XXVIII

Powers and Duties of the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission

Section 2801 Powers and Duties in General [The Public Service Commission of the Commonwealth of Pennsylvania shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in and imposed upon the said commission] The Pennsylvania Public Utility Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon such commission

[Section 2802 Public Company Law The Public Service Commision of the Commonwealth of Pennsylvania shall have the power and its duties shall be

(a) To administer and enforce the act approved the twenty-sixth day of July one thousand nine hundred and thirteen entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroads corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damage resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determination by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloading within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended and supplemented

(b) To certify to the Sanitary Water Board any question of fact regarding the purity of water supplied to the public by any public service company over which it has jurisdiction when any such question arises in any controversy or other proceeding before it and upon the determination of such question by the Sanitary Water Board to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose

Section 2803 Elevated and Underground Railways The Public Service Commission of the Commonwealth of Pennsylvania shall have the power and its duty shall be to exercise the powers and perform the duties heretofore by law vested in and imposed upon the board consisting of the Governor the Secretary of the Commonwealth and the Attorney General by the act approved the twentieth day of June one thousand nine hundred and one (Pamphlet Laws five hundred and seventy-seven) entitled "An act providing that no company hereafter formed for the purpose of construction and operation of a passenger railway either elevated or underground or partly elevated or partly underground with incidental surface rights shall be incroporated except where the same shall be located upon streets in thickly populated regions and until the necessity for such railways shall have been passed upon by a board consisting of the Governor the Secretary of the Commonwealth and the Atotrney-General after notice" which reads as follows

"Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no letters patent shall be issued to any company nor shall any corporation be otherwise created for the construction of an elevated or underground or partly elevated and party underground passenger railway except the same shall be located upon over under across through or along a street road or highway in a thickly populated locality where the surface travel is congested nor unless and until the necessity for the construction and operation of said railway shall have been passed on and approved by a board consisting of the Governor the Secretary of the Commonwealth and the Attorney General after thirty days' public notice published as shall be prescribed by said board"]

Section 4 That at the end of Article five of the said act the following new section is hereby added

Section 524 Disposition of Useless Records Except as otherwise provided by law whenever any administrative department board or commission shall have an accumulation of files of correspondence reports records or other papers which are not needed or useful in the transaction of the current or anticipated future work of such department board or commission it shall be the duty of the head of such department board or commission to submit to the Executive Board a report of that fact accompanied by a concise statement of the condition quantity and character of such papers If the Executive Board shall be of the opinion that such files of correspondence reports records or other papers or any part thereof are not needed or useful in the transaction of the current or anticipated future work of such department board or commission the head of such department board or commission shall place such files or any part thereof as the case may be in the custody of the Department of Property and Supplies and such department is hereby authorized to dispose of the same as waste paper in the manner prescribed in this act for the sale of unserviceable property Provided however That the Executive Board with the approval of the Department of Public Instruction may direct that any such files of correspondence reports records or other papers or any part thereof that are of historical interest be turned over to the Department of Public Instruction for preservation for historical purposes

Section 5 That at the end of Article eighteen of the said act the following new sections are hereby added

Section 1822 Powers and Duties of the State Parks Commission The State Parks Commission shall have the power and its duty shall be

(a) To act as a central advisory agency for all State parks and parkways and all places of historic scientific scenic or wild life interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

(b) To formulate and recommend to the Department of Forests and Waters plans for acquisition of lands improvements construction management use and extension of parks parkways and other places of historic scientific scenic or wild life interest which are or hereafter may be under the jurisdiction of the Department of Forests and Waters and plans for the establishment of a park policy for the Commonwealth

(c) To make available in its discretion information on parks and recreational facilities and to advise as to connections and relations between State parks and other parks within the Commonwealth

(d) To assist in the preparation of State park budgets to be submitted to the General Assembly

(e) To divide the Commonwealth into not less than four (4) park regions to be governed by Regional Park Boards as herein provided for

(f) To adopt such rules and regulations not inconsistent with law for the control management protection development and use of State parks as it may deem proper in aid of its powers and to insure a wise and orderly use of State parks and other places of interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

Section 1823 Powers and Duties of State Park Boards The Regional State Park Boards shall act as advisory agents to the State Parks Commission and to the Department of Forests and Waters and shall formulate and recommend through the assistant executive officers appointed by the Department of Forests and Waters of their respective Park Regions plans for the location acquisition development construction use and extension correlation and management of State parks parkways and places of historic scientific scenic or wild life interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

Section 6 That at the end of Article twenty-five of the said act the following new section is hereby added

Section 2503 State Athletic Commission The State Athletic Commission shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in such commission It shall administer the laws allowing and regulating boxing sparring and wrestling matches and exhibitions within this Commonwealth

Section 7 The members (exclusive of the ex officio member) officers and employes of the State Athletic Commission which is transferred by this act from the Department of Military Affairs to the Department of Revenue shall continue to be the members officers and employes of such commission and to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions Such members officers and employes shall retain all accrued retirement rights and their services shall be deemed to be continuous as if such commission had not been transferred as aforesaid

Section 8 The following acts and parts of acts are hereby repealed as respectively indicated

Sections one thousand four hundred eight and two thousand three hundred twenty-one of the act to which this act is an amendment absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred seventy-one) entitled "An act conferring upon the Department of Welfare subject to the approval of the proper board of trustees the power of fixing and establishing charges for services rendered by any State owned medical and surgical hospital" absolutely

Section 9 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 794, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" be amended by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority so that the amended section will read as follows

Section 209 PENALTY FOR ACTING WITHOUT CERTIFICATE OF AUTHORITY Any insurance company association or exchange doing an insurance business within this Commonwealth without a certificate of authority as required by this act shall forfeit and pay to the Commonwealth the sum of five hundred dollars for each month or fraction thereof in which such illegal business was transacted

Any person negotiating or soliciting any policy of insurance or suretyship in this Commonwealth collecting or forwarding premiums or delivering policies for any company association or exchange to which a certificate of authority has not been granted shall be deemed to be the agent of the company association or exchange in any legal proceeding brought against it

Section 209A Penalty For Exceeding Powers Granted Under Certificate of Authority Any insurance company association or exchange doing an insurance business within this Commonwealth that shall exceed the powers granted under a certificate of authority shall forfeit and pay to the Commonwealth a sum of not more than five hundred dollars ($500) for each and every policy issued in violation of this section Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the company association or exchange accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten (10) days thereafter when a hear-

ing of the matter shall be held After such hearing or failure of the accused to appear at such hearing the Insurance Commissioner shall impose such penalty as he deems advisable

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 836 (House Bill No. 455), entitled:

An Act to amend section one of the act, approved the twenty-fourth day of June, one thousand nine hundred and nineteen, (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith," as amended; increasing the compensation of members of the General Assembly.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. EROE. Mr. President, I move that Senate Bill No. 847, on second reading, entitled:

An Act to amend section five hundred thirty-eight and sections five hundred forty and five hundred forty-one as amended and to repeal section five hundred thirty-nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for taxation in school districts of the second third and fourth class on the basis of assessments and valuations for county purposes

be recommitted to the Committee on Education.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 865 (House Bill No. 1172), entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 876, on second reading, entitled:

An Act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assitsance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 877, on second reading, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 878, as follows:

An Act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such

persons providing for the arrest and seizure and sale of the property of deserters and providing procedure

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as "The Support Law"

Section 2 Definition The masculine pronoun when used in this act shall be construed to include the feminine

Section 3 Relatives Liable For the Support of Indigent Persons Procedure to Enforce Support (a) The husband wife child father mother grandparent and grandchild of every indigent person shall if of sufficient financial ability care for and maintain or financially assist such indigent person at such rate as the court of quarter sessions of the county where such indigent person resides shall order or direct

(b) The courts of quarter sessions shall have power to hear determine and make orders and decrees in such cases upon the petition of such indigent person or of any other person or any public body or public agency having any interest in the care maintenance or assistance of such indigent person

(c) In all cases where an order has been made by the court of quarter sessions for the care and maintennance or assistance of a husband wife father mother child grandfather grandmother or grandchild whether or not confined in any public institution and the said order has not been complied with the court or any judge thereof upon affidavit or petition filed setting forth that the person on whom the said order has been made has not complied with the said order shall issue an attachment directed to the sheriff or other proper officer of the county directing and commanding that the person named as having failed to comply with said order be brought before the court at such time as the court may direct If it shall appear to the court after hearing that the person on whom the said order was made has wilfully neglected or refused to comply with said order the court may adjudge said person in contempt of court and in its discretion may commit said person to the county jail for a period not exceeding six months

Section 4 Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance (a) The real and personal property of any indigent person shall be liable for the expenses of his support maintenance assistance and burial incurred by any public body or public agency whether owned at the time such expenses were incurred or acquired thereafter Any public body or agency may sue for moneys so expended and any judgment obtained shall be a lien upon the real estate of such indigent person and be collected as other judgments

(b) Any claim for the expenses of support maintenance assistance and burial of an indigent person held by any public body or public agency shall have the same force and effect against the real estate of a deceased indigent person as other debts of a decedent and shall be ascertained and recovered in the same manner

Section 5 Recovery of Moneys Due Persons Publicly Cared For or Assisted (a) Whenever any person shall become a public charge or receive public assistance the public body or agency caring for or furnishing such assistance may sue for and recover any sum of money due such person

(b) Such suit shall be brought in the name of such person for the use of such public body or agency Proof that the person to whom such money is due became a public charge or was publicly assisted shall be conclusive of the right to recover whatever may be legally due such person If the amount due shall have been reduced to judgment the public body or agency may be subrogated as plaintiff in the judgment If the sum due is founded on an order or decree of court the public body or agency shall have the right to recover the same

(c) Should such person become self-supporting or be supported by a relative or friend then any moneys recovered and not expended in the care or assistance of such person shall belong to him In case of his death moneys not expended for his care assistance and burial shall belong to his heirs

Section 6 Guardians for Persons Being Cared For or Assisted (a) Any public body or public agency caring for or assisting any indigent person may apply by petition to the court of common pleas if the person is of full age or to the orphans' court if the person is a minor for a citation upon such person to show cause why such public body or public agency or some other person appointed by the court should not become the legal guardian of the person and property of such person Such petition shall have attached an inventory of the property The court shall fix a day for hearing of which due notice shall be served upon said person

(b) After hearing the court may make an order constituting the public body public agency or some other person guardian of the person and estate of such person whether or not all of such estate was enumerated in the inventory Such proceedings and order shall be indexed in the name of such person in the adsectum equity index or the orphans' court index as the case may be which indexing in either office shall be notice of such facts

(c) No such person shall be discharged from such guardianship until he has made application to the proper court by petition for a citation upon the guardian If the court is satisfied that the person has become able and willing to resume control of his own person and estate and that the public body or public agency has been fully reimbursed for the expense of his care or assistance or that all of his estate has been applied thereon it may terminate the guardianship The cost of such proceedings shall be paid by the petitioner unless otherwise ordered by the court

(d) Under the supervision of the common pleas court or the orphans' court as the case may be the guardian may make leases for a term of years of the real estate of any such person and receive the rents issues and profits thereof and apply the proceeds to defray the expenses incurred in the care or assistance and burial of such person The balance of residue thereof shall be paid to the legal representatives of such person after his or her death or to such person upon termination of the guardianship

Section 7 Seizure of Property of Deserters (a) If any man shall separate himself from his wife without reasonable cause or shall desert his children or if any woman shall desert her children leaving them to be publicly cared for or assisted by any magistrate alderman or justice of the peace of the county upon complaint made by public body or public agency may issue his warrant authorizing the taking and seizure of so much of the goods and chattels and the collection of so much of the rents and profits of the real estate of such man or woman or to attach so much of his or her wages or of any sums due as in the judgment of the said magistrate alderman or justice of the peace shall be sufficient to provide for such wife and to maintain and bring up such children which sum or amount shall be specified in such warrant If sufficient real or personal estate cannot be found then such person shall be arrested and be brought before the magistrate alderman or justice of the peace at a time to be specified in such warrant

(b) On the return of such warrant the magistrate alderman or justice of the peace may require security from such person for his appearance at the next court of quarter sessions of the county there to abide the order of the court and for want of such security to commit such person to the county jail

(c) The warrant aforesaid shall be returned to the next court of quarter sessions of the county The court may make an order for the payment of such sums as it shall think reasonable for the maintenance of the deserted person and may authorize the public body or public agency to dispose of the said goods and chattels by sale or otherwise and to collect and receive the rents and profits aforesaid or so much of either as in judgment of the court shall be sufficient to provide such maintenance If there is no real or personal estate the

court may commit such person to the jail or workhouse of the county there to remain until he shall comply with such order give security for the performance thereof or be discharged by due course of law

Section 8 Repeal All acts and parts of acts inconsistent herewith are hereby repealed

Section 9 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 878, the bill just read, be recommitted to the Committee on Welfare.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 882, as follows:

An Act to amend section seventeen of the act approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" by making further provision for the cost of administering the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seventeen of the act approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain agen indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by emplayes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" is hereby amended to read as follows

Section 17 Cost of Administration Political Activity Prohibited The boards in the several counties shall appoint such investigators and clerical assistants as may be necessary to enable them to distribute assistance in their respective counties but as far as possible the investigators engaged in the administration of the Mothers' Assistance Law shall also perform the work necessary for the administration of this act [At no time shall the additional expense of administering this act in any county exceed in amount six per centum of the allocation to such county of moneys for assistance]

The county commissioners of the several counties shall upon requisition of the boards pay such expenses of investigation and clerk hire in their respective counties and other administrative expenses [subject always to the limitations upon such expenses imposed by this section But the liability of the county to pay such expenses shall be reduced by the amount of any moneys allocated to the county by the department for the payment of administrative expenses] as may be necessary for the purposes of this act Provided That no county shall pay out of its funds any such expenses that in the aggregate exceed six per centum of the allocation to such county of moneys for assistance

No investigator clerk or other employe of the board shall be a member of or delegate or alternate delegate to any political convention nor be present at any such convention as an employe or in any official capacity nor serve as a member of or attend meetings of any committee of any political party or take any active part in political management or in political campaigns or use his or her position to influence political movements or use his or her position to influence the political action of any other person nor in any way or manner interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while the vote is being counted or the vote or ballot box is being returned save only for the purpose of marking and depositing his ballot nor be within fifty feet of any polling place during voting hours and the counting of the ballots except for the purpose of residence or travel No member of the board and no investigator clerk or other employe of the board shall directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting or receiving any assessment subscription or contribution whether voluntary or involuntary intended for any political purpose whatever Any person who shall violate any of the foregoing provisions shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding $500 and forfeit his position

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 882, the bill just read, be recommitted to the Committee on Welfare.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

The PRESIDENT. The next bill on the Calendar, Senate Bill No. 883, entitled:

An Act relating to public assistance; providing for, and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age benefits, and the State Emergency Relief Board.

is not up from the Printers and will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 898 (House Bill No. 1715), entitled:

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "original unbroken standard container" as used in this act shall be construed to mean any barrel box basket bag or similar container approved by any proper Federal agency as a standard container for fruits and vegetables under or in accordance with any act of the Congress of the United States or approved under or in accordance with the laws of this Commonwealth or under the authority of this act by the Department of Internal Affairs of this Commonwealth and the contents of which have not been removed or repacked by any person whatever

The second section of the bill was read as follows:

Section 2 Hereafter it shall be lawful for any person copartnership association or corporation to sell or offer for sale at wholesale or retail in this Commonwealth fruits and vegetables in original unbroken standard containers as herein defined but sales in such original unbroken standard containers shall be lawful only if there shall appear thereon a plain and conspicuous statement showing correctly the quantity of fruits and vegetables contained therein in terms of weight measure in cubicle content or numerical count and only if the containers shall have been filled or packed in accordance with good commercial practice If the contents of an original standard container are broken for resale at wholesale or retail or if fruits and vegetables are sold in any other manner than in original unbroken standard containers then such sales shall be lawful only if made by weight or numerical count and in no other manner whatever

Whenever the contents of any original unbroken standard container of fruits and vegetables are stated in terms of a bushel or subdivision of a bushel the bushel shall contain at least 2150.42 cubic inches struck measure and the subdivisions thereof shall contain the proper fractional parts of the number of cubic inches to the bushel as herein fixed

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I move to amend page 2, after line 21, by adding the following: "It shall be unlawful for any person, co-partnership, association or corporation to sell or offer for sale at retail any fruits or vegetables, the weight of which is less than that represented."

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third to the sixth sections inclusive, of the bill was read as follows and agreed to.

Section 3 The Department of Internal Affairs shall have power to adopt tolerances allowing reasonable variations of the provisions of this act

Section 4 The Department of Internal Affairs and the county and city inspectors of weights and measures are hereby charged with the enforcement of this act

Section 5 Any person copartnership association or corporation or his or its servants agents or employes who shall violate any of the provisions of this act shall upon conviction thereof in a summary proceeding be sentenced for a first offense to pay a fine not more than twenty-five dollars or in default of the payment of such fine and costs of prosecution shall be sentenced to imprisonment of prosecution shal be sentenced to imprisonment for not more than twenty days and any person copartnership association or corporation or his or its servants agents or employes who shall violate any of the provisions of this act for a third or subsequent time shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than two hundred and fifty dollars nor more than five hundred dollars or to undergo imprisonment for sixty days or both at the discretion of the court

Section 6 All acts and parts of acts inconsistent with this act are hereby repealed

The title of the bill was read as follows and agreed to:

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 949, as follows:

An Act authorizing the Governor to appoint a commission to make studies in respect to the employment of persons over the age of fifty years and making an appropriation

Whereas a large group of employable men are over the age of fifty years and when these men lose employment it is difficult for them to regain employment because they increase compensation hazards since they are more likely to be injured and their recovery is slower and

Whereas this condition will continue to increase as the span of life if lengthened due to the efforts of medical science and

Whereas these men are usually dependable and have families but many have been unable to accumulate sufficient savings for their declining years and

Whereas a physical and mental deterioration occurs in the unemployed of this type so that they soon become unfitted for work and

Whereas it is the duty of Government to find work for this group of employables therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a commission is hereby created which shall consist of nine persons to be appointed by the Governor One member of said commission shall be a member of the Senate one a member of the House of Representatives one a member of the Bar one a doctor of medicine one an employer of labor one a worker one a per-

son engaged in welfare work one a person concerned with the administration of workmen's compensation and one an economist

The members of the commission shall organize at the call of the Governor by electing a chairman vice chairman and secretary

Section 2 The members of the commission shall serve without compensation but shall be reimbursed for all expenses incurred in the performance of their duties The commission may appoint such clerks and assistants as it deems necessary to carry on its work and fix their compensation

Section 3 It shall be the duty of said commission to ascertain ways and means for the employment of persons over fifty years of age without throwing an undue liability on employers for the reeducation of such persons for suitable employment for the development of mature age occupations for the ascertainment of methods to reduce compensation premiums on employers of such persons and to make such studies in connection with said subjects and others related thereto as are deemed advisable to the commission The commission shall make a printed report to the legislature not later than the first day of February one thousand nine hundred thirty-nine which shall contain its recommendations and such drafts of legislation as it deems proper for the General Assembly to adopt

Section 4 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members of the commission and the compensation of its clerks and assistants for postage telegraph and telephone charges for supplies for compiling and printing a report and for all other expenses deemed proper to the commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1049, as follows:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended prohibiting seditious teaching in public and private schools

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1607 In every elementary public and private school established and maintained in this Commonwealth the following subjects shall be taught in the English language and from English texts English including spelling reading and writing arithmetic geography and history of the United States and of Pennsylvania civics including loyalty to the State and National Government safety education and the humane treatment of birds and animals health including physical training and physiology music and art Other subjects shall be taught in the public elementary schools and also in the public high schools as may be designated or approved by the State Board of Education All such subjects except foreign languages shall be taught in the English language and from English texts

The teaching of sedition in the public and private schools of this Commonwealth is hereby prohibited

The word "sedition" as used in this act shall be construed to mean "sedition" as defined by the act approved the twenty-sixth day of June one thousand nine hundred and nineteen (Pamphlet Laws 639) entitled "An act defining sedition and prescribing the punishment therefor" If any person shall be dismissed from the service of any school district for the teaching of sedition it shall be the duty of the Superintendent of Public Instruction to revoke and annul his or her teacher's certificate

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1081 (House Bill No. 1639), entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents providing for the commitment and transfer of such persons to such institution and discharge therefrom conferring powers and imposing duties on the Department of Welfare and courts and imposing certain charges on counties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1149 (House Bill No. 1557), entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 949, the bill just read, be recommitted to the Committee on Appropriations.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 963 (House Bill No. 71), entitled:

A Joint Resolution proposing an amendment to article one section six of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at lentgh the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 969 (House Bill No. 1360), as follows:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended extending the time within which appeals from auditors' report may be taken

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and twenty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" which was last amended by section forty-four of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and forty-three) is hereby further amended to read as follows

Section 2622 The Commonwealth any school district of the second or third class or any taxpayer thereof on behalf of said Commonwealth district or any person or persons against whom any sum has been charged in any report filed by the auditors of any such school district may appeal from any auditors' report Such appeal shall be taken to the court of common pleas of the proper county by the Commonwealth within ninety (90) days after said report has been filed in the Department of Public Instruction and by all other applicants within [thirty (30)] forty-five (45) days after said report has been filed in the court of common pleas Any taxpayer taking an appeal shall file in said court of common pleas a bond with one or more sufficient sureties conditioned that the party appealing will prosecute said appeal with effect and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than the report appealed from When any such appeal shall be taken by the Commonwealth any school district or any person charged in such report with any sum of money any taxpayer of said district may come into court and intervene in said appeal and prosecute the appeal to final judgment and if any sum shall be found by the court to be chargeable to any person whose accounts are involved in said appeal the prothonotary shall enter judgment for said sum in favor of said district and against the person charged as aforesaid and the Commonwealth school district or such taxpayer may cause said judgment to be collected from the person charged or his sureties for the benefits of said district by any appropriate method executionary or otherwise or said taxpayer may defend the said district in any appeal taken by any person charged by the report of auditors as fully and effectively in both instances as the officers of said district might do Provided That such taxpayer shall at the time of intervening file in said court a bond with one or more sufficient sureties conditioned to indemnify said district from all costs that may accrue by reason of such intervention subsequently thereto When any taxpayer has intervened in any instance as above provided or when an appeal has been taken by any taxpayer as aforesaid the officers of said school district shall not make settlement with any person or persons charged with any sum or sums or whose accounts shall be involved in any appeal without the consent of such taxpayer When any appeal as aforesaid shall be taken by any of the parties above mentioned the appeal may be placed upon the argument list of the proper court of common pleas by direction of any party interested by intervention or otherwise and depositions of witnesses and other evidence to be used at the argument may be taken on behalf of any said parties before any person competent to administer an oath upon rule for that purpose served upon the opposite party or such party's counsel After hearing argument the court shall file its finding of fact and law and enter judgment in accordance therewith Provided That it after argument the court shall deem any question or questions of fact so doubtful under the evidence submitted as to render it desirable that an issue should be directed as to such question o. questions to be tried by a jury the court may direct such an issue Appeals may be taken by any person interested to the Superior or Supreme Court from any such judgment of the court of common pleas in the same way that appeals are now authorized by law to be taken from rulings or decisions of the court of common pleas made in appeals from settlements or reports of county borough or township auditors

Section 2 That section two thousand six hundred and twenty-six of said act which was last amended by section forty-five of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and forty-three) is hereby further amended to read as follows

Section 2626 The Commonwealth any school district of the fourth class or any independent school district or any taxpayer thereof on behalf of said Commonwealth district or any person or persons against whom any sum has been charged in any report filed by the auditors of any such school district may appeal from any auditors' report Such appeal shall be taken to the court of common pleas of the proper county by the Commonwealth within ninety (90) days after said report has been filed in the Department of Public Instruction and by all other appellants within [thirty (30)] forty-five (45) days after said report has been filed in the court of common pleas Any taxpayer taking an appeal shall file in said court of common pleas a bond with one or more sufficient sureties conditioned that the party appealing will prosecute said appeal with effect and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than

the report appealed from When any such appeal shall be taken by the Commonwealth any such school district or any person charged in such report with any sum of money any taxpayer of said district may come into court and intervene in said appeal and prosecute the appeal to final judgment and if any sum shall be found by the court to be chargeable to any person whose accounts are involved in said appeal the prothonotary shall enter judgment for said sum in favor of said district and against the person charged as aforesaid and the Commonwealth school district or such taxpayer may cause said judgment to be collected from the person charged or his sureties for the benefit of said district by any appropriate method executionary or otherwise or said taxpayer may defend the said direct in any appeal taken by any person charged by the report of aduitors as fully and effectively in both instances as the officers of said districts might do Provided That such taxpayers shall at the time of intervening file in said court a bond with one or more sufficient sureties conditioned to indemnify said district from all cost that may accrue by reason of such intervention subsequently thereto When any taxpayer has intervened in any instance as above provided or when an appeal has been taken by any taxpayer as aforesaid the officers of said school district shall not make settlement with any person or persons charged with any sum or sums or whose accounts shall be involved in any appeal without the consent of such taxpayer When any appeal as aforesaid shall be taken by any of the parties above mentioned the appeal may be placed upon the argument list by direction of any party interested by intervention or otherwise and depositions of witnesses and other evidence to be used at the argument may be taken on behalf of any of said parties before any person competent to administer an oath upon rule for that purpose served upon the opposite party or such party's counsel to be used at the argument After hearing argument the court shall file its finding of fact and law and enter judgment in accordance therewith Provided That if after argument the court shall deem any question or questions of fact so doubtful under the evidence submitted as to render it desirable that an issue should be directed as to such question or questions to be tried by a jury the court may direct such an issue Appeals may be taken by any person interested to the Superior or Supreme Court from any such judgment of the court of common pleas in the same way that appeals are now authorized by law to be taken from rulings or decisions of the court of common pleas made in appeals from settlements or reports of county borough or township auditors

Section 3 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1011 (House Bill No. 817), entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1020), as follows:

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the employment by school auditors and for the compensation of an attorney

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hunddred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administeerd and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 2616 [The provisions of this act relating to the auditing of school finances shall begin with the beginning of the first fiscal year following the approval of this act] In all school districts where the accounts are auditer by borough or township auditors the auditors may employ an attorney whenever the same is deemed advisable The compensation of such attorney shall be xed by the auditors and shall not exceed the sum payable to one auditor for the making of the annual audit unless additional compensation shall be specially allowed by a court of record in connection with any proceeding before such court and shall be payable by the school district out of the general fund of the district

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1025), as follows:

An Act to amend sections four hundred fifteen and four hundred sixteen article four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurnace companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (a) section four hundred fifteen article four of the act approved the seventeenth day of May on thousand nine hundred and twenty-one entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance changes and fire insurance rating bureaus and the regulation and super-

vision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as hereby amended to read as follows

(a) Group life insurance is hereby declared to be that form of life insurance covering not less than fifty employees with or without medical examination written under a policy issued to the employer the premium on which is to be paid by the employer or by the employer and employees jointly and insuring only all of his employees or all of any class or classes thereof determined by conditions pertaining to the employment for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the employer Provided however That when the premium is to b paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees not less than seventy-five per centum of such employees may be insured Such group policy may provide that the term "employees" shall include the officers managers and employees of subsidiary or affiliated corporations and the individual proprietors partners and employees of affiliated individuals and firms when the business of such subsidiary or affiliated corporations firms or individuals is controlled by the common employer through stock ownership contract or otherwise

Section 2 That clause (b) of said section as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and thirty-three is hereby further amended to read as follows

(b) The following forms of life insurance are hereby declared to be group life insurance within the meaning of this act (1) Life insurance covering the members of one or more companies batteries troops battalions dlivisions or other units of the National Guard or naval militia of any State written under a policy issued to the commanding general of the National Guard or commanding officer of the naval militia as the case may be who shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the members of such units for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of the unit of the National Guard or naval militia not less than seventy-five per centum of the members of such a unit may be so insured (2) Life insurance covering the members of one or more troops or other units of the State troopers or State police of any State written under a policy issued to the commanding officer of the State troopers or State police who shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the members of such units for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of a unit of the State troopers or State police not less than seventy-five per centum of the members of such a unit may be so insured (3) life insurance covering the members of any labor union or organization of police employed by any municipal county or State authority or any organization or association of State employes or public school teachers or nurses written under a policy issued to such union or organization which shall be deemed to be the employer for the purposes of this act the premium on which is to be paid by the union or organization or by the union or organization and its members jointly and insuring its members for the amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the union or organization or the officials of either Provided however That when the premium is to be paid by the union or organization and its members jointly and the benefits are offered to all eligible members not less than seventy-five per centum of such members may be so insured Provided further That when members apply and pay for additional amounts of insurance a smaller percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations and (4) life insurance covering only the lives of all members of a group of persons for not more than ten thousand dollars on any one life numbering not less than one hundred entrants which term shall include renewal of any insurance on the lives of any member of the group originally insured to the group yearly who become borrowers from one financial institution including subsidiary or affiliated companies or who become purchasers of securities merchandise or other property from one vendor under agreement to repay the sum borrowed or to pay the balance of the price of the securities merchandise or other property purchased in installments over a period of not more than ten years to the extent of their indebtedness to said financial institution or vendor but not to exceed ten thousand dollars on any one life written under a policy whcih may be issued upon the application of and made payable to the financial institution or vendor or other creditor to whom such vendor may have transferred title to the indebtedness as beneficiary the premium on such policy to be payable by the financial institution vendor or other creditor

Section III That section four hundred sixteen of said act is hereby amended to read as follows

Section 416 Standard Provisions for Policies of Group Life Insurance No policy of group life insurance shall be issued or delivered in this Commonwealth unless and until a copy of the form thereof has been filed with the Insurance Commissioner and formally approved by him nor shall such policy be so issued or delivered unless it contains in substance the following provisions

(a) A provision that the [policy] contract shall be incontestable after two years from its date of issue except for non-payment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war

(b) A provision that the policy the application of the employer and the individual applications if any of the employees insured shall constitute the entire contract between the parties and that all statements made by the employer or by the individual employees shall in the absence of fraud be deemed representations and not warranties and that no such statement shall be used in defense to a claim under the policy unless it is contained in a written application

(c) A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee

(d) A provision that the company will issue to the employer for delivery to the employee whose life is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom payable together with provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company without evidence of the insurability and upon application made to the company within thirty-one days after such termination and upon the payment of the premium applicable to the class of risks to which he belongs and to the form and amount of the policy at his then attained age a policy of life insurance in any one of the forms customarily issued by the company except term insurance in an amount equal to the amount of his protection under such group insurance policy at the time of such termination The Provisions Of This Subdivision Shall Not apply to insurance described in item (4) of clause (b) of Section Four Hundred Fifteen

(e) A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer eligible to insurance in such group or class Except as provided in this act it shall be unlawful to make a contract of life insurance covering a group in this Commonwealth Policies of group life insurance when issued in this Commonwealth by any company not organized under the laws of this Commonwealth may contain when issued any provision required by the law of the State or Territory or district of the United States under which the company is organized and policies issued in other states or counties by companies organized in this Commonwealth may contain any provision required by the laws of the State Territory district or country in which the same are issued [anything in this section to

the contrary notwithstanding] Any such policy may be issued or delivered in this Commonwealth which in the opinion of the Insurance Commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the employer or to the employee than hereinbefore required

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1029 (House Bill No. 1113), entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and validating the liens of such taxes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1033 (House Bill No. 1651), entitled:

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858), entitled 'An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858), entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844), the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519) the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 275) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Section 1 Be it enacted etc That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "Retirement System" shall mean the arrangement for the payment of retirement allowances under the provisions of this act

2 "Retirement Association" shall mean the State employes' retirement association provided for in section three of this act

3 "Retirement Board" shall mean the State employes' retirement board provided for in section four of this act

4 "Secretary of the Commonwealth" shall mean the Secretary of the Commonwealth of Pennsylvania

5 "State Treasurer" shall mean the Treasurer of the Commonwealth of Pennsylvania

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania [or] employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appaiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropiated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropiations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of assembly as a general State Authority (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such general State Authority were employes of the Commonwealth so long as they remain officers or employes of such general State Authority if such General State Authority shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments there-

from and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting anuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly emploed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

7 "Head of the Department" as applied to State employes shall mean the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member and shall include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth

8 "Member" of the retirement association shall mean a State employe who shall be a member of the retirement association established by this act

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred thirty-five

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original memebr and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

10 "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not na original member and who is elected reelected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employee" Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

11 "Contributor" shall mean any person who has accumulated deductions in the fund created by this act to the credit of the annuity savings account

12 "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided in this act

13 "Prior service" shall mean all service as a State employe completed not later than the thirty-first day of December nineteen hundred twenty-three and in the case of judges shall mean all service completed prior to becoming a member of the retirement association

14 "Disability Retirement" shall mean retirement as defined in section twelve of this act

15 "Superannuation retirement" shall mean retirement as defined in section thirteen of this act

16 "Superannuation Retirement Age" shall mean as applied to State employes sixty years of age

17 "Final Salary" shall mean the average annual salary earnable by a contributor as a State employe for the five years of service immediately preceding retirement except that at the member's option the salary earnable by a contributor as a Ctate employe for the years beginning June first one thousand nine hundred thirty-three and June first one thousand nine hundred thirty-four shall not be included in determining such "final salary"

18 "Accumulated Deductions" shall mean the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act to the credit of the annuity savings account together with the regular interest thereon

19 "Regular Interest" shall mean interest at four per cent per annum compounded annually

20 "State Annuity" shall mean payments for life derived from contributions made by the Commonwealth of Pennsylvania as provided in this act

21 "Members Annuity" shall mean payments for life derived from contributions made by the contributor as provided in this act

22 "Retirement Allowance" shall mean the State annuity plus the member's annuity

23 "State Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as

shall be adopted by the retirement board with regular interest of the future payments to be made on account of any State annuity granted and based on contributions made by the Commonwealth of Pennsylvania

24 "Member's Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any member's annuity granted and based on the accumulated deductions of the contributor

25 "State Employes' Retirement Fund" shall mean the fund provided for in paragraph number two in section eight of this act

26 "Contingent Reserve Account" shall mean the account provided for in paragraph number three in section eight of this act

27 "State Annuity Reserve Account" shall mean the account provided for in paragraph number four in section eight of this act

28 "State Annuity Reserve Account Number Two" shall mean the account provided for in paragraph number five in section eight of this act

29 "Member's Annuity Saving Account" shall mean the account provided for in paragraph number six in section eight of this act

30 "Member's Annuity Reserve Account" shall mean the account provided for in paragraph number seven in section eight of this act

Section 2 That section three of said act as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844) is hereby further amended to read as follows

Section 3 A State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act who by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsequent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first [twleve] six months of employment as a State employe have the option of membership but after the first [twelve] six months of such employment as a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative depatrment nor the members of any independent administrative board or commission or of any departmental administrative board or commission or of any advisory board or commission nor the secretary to the Governor nor the budget secretary nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association

The head of each department board commission or other agency of the State government shall see to it that an application for membership is executed by each new State employe within said six months period and that payroll deductions are not delayed beyond said period

Section 3 That section four of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) is hereby further amended to read as follows

Section 4 (1) On the first day of June one thousand nine hundred thirty-seven the "State Employes' Retirement Board" shall be transferred from the Department of State to the Treasury Department and shall consist of the following

(a) The Secretary of the Commonwealth [who shall be chairman thereof]

(b) The State Treasurer who shall be chairman thereof

(c) One member who shall be appointed by the Governor of the Commonwealth of Pennsylvania who shall serve until his successor is appointed

(d) Two members of the retirement association elected from among their number in a manner to be approved by those persons named in paragraphs (a) (b) and (c) of this section one to serve for one year one for two years and whose successors shall be elected for a term of three years from among the members of the retirement association in a manner to be approved by the retirement board

A vacancy occurring during a term shall be filled for the unexpired term by the appointment of a successor in the same manner as his or her predecessor Until the establishment of the retirement association and the election of two representatives therefrom the [person] persons named in paragraphs (a) (b) and (c) of this section are empowered to perform the duties of the retirement board

(2) The expenses of the administration of this act by the retirement board exclusive of the payment of retirement allowances and of the other benefits provided for in this act shall be paid by the Commonwealth by biennial appropriations from the general fund made on the basis of estimates submitted by the retirement board The members of the retirement board shall serve without compensation but shall be reimbursed from the aforesaid appropriations for any necessary expenditures and no contributor shall suffer loss of salary or wages through serving on the retirement board

(3) The [Secretary of the Commonwealth] State Treasurer shall [with the approval of the Governor] appoint a secretary an actuary and such medical clerical and other employes as may be necessary

(4) The compensation of all persons so appointed shall be fixed by the [Secretary of the Commonwealth with the approval of the Governor] State Treasurer [Provided That after the Executive Board of this Commonwealth shall have established applicable standards the compensation of the persons employed by the retirement board shall conform to such standards]

(5) Subject to the limitations of this act and of law the retirement board shall from time to time establish rules and regulations for the administration of the fund and ledger accounts created by this act and for the transaction of its business

(6) The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various accounts created by this act

(7) In the years nineteen hundred twenty-seven and nineteen hundred thirty and in every fifth year thereafter the actuary of the retirement board shall make an actuarial investigation into the mortality and service experience of the contributors and beneficiaries as defined in this act and shall make a valuation of the various accounts created by this act and on the basis of such investigation and valuation the retirement board shall

(a) Adopt for the retirement system one or more mortality tables and such other tables as shall be deemed necessary

(b) Certify the rates of deduction from salary necessary to pay the annuities authorized under the provisions of this act and

(c) Certify biennially the [rates of contribution expressed as a percentage of salary of new members at various ages] amount of appropriation which shall be made by the Commonwealth and other agencies to the State Employes' Retirement Fund [and credited to the contingent reserve account] which amounts shall be based on estimates furnished by the actuary and shall be credited to the proper accounts created by this act

The General Fund of the Commonwealth shall not be held liable to appropriate the moneys required to build up the reserves necessary for the payment of the State annuities of contributors whose salary or compensation is payable from special operating funds or agreed to be paid by other agencies from moneys not in the State Treasury but the appropriations or payments necessary for such purposes shall be paid into the retirement fund only from moneys in such special operating funds or by such agencies In case any such special fund or agency shall fail to provide the moneys necessary for such purpose then for such period as moneys are not so provided the credits on which the State annuity of such contributors is based shall not be increased but the rights of such contributors in the retirement system shall nevertheless be continued and payroll deductions shall continue in

the case of such contributors to be credited to their member's annuity savings account

(8) Immediately after the passage of this act the actuary of the retirement board shall make such investigation of the mortality service and salary experience of the State employes as he shall recommend and the retirement board shall authorize for the purpose of determining upon the proper tables to be prepared and submitted to the retirement board for adoption On the basis of such investigation and recommendation the retirement board shall adopt such tables and certify such rates as are required in subsections (a) (b) and (c) of paragraph seven immediately preceding On the basis of such tables the actuary of the retirement board shall immediately after the first day of January nineteen hundred twenty-four make a valuation of the various accounts created by this act

(9) The retirement board shall prepare and have published annually a financial statement showing the condition of the fund and the various accounts created by this act and setting forth such other facts recommendations and data as may be of use in the advancement of knowledge concerning State employes' pensions and annuities and said retirement board shall submit said financial statement to the Governor of the Commonwealth of Pennsylvania and shall file copies in the offices of the Secretary of the Commonwealth of the State Insurance Department and of the head of each department for use of the State employes and the public

(10) Each member of the retirement board shall take an oath of office that he or she will so far as it develops upon him diligently and honestly administer the affairs of said retirement board and that he or she will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this act Such oath shall be subscribed by the member making it and certified by the officer before whom it is taken and shall be immediately filed in the office of the Secretary of the Commonwealth

(11) The retirement board shall keep a record of all its proceedings which shall be open to inspection by the public

(12) The retirement board shall perform such other functions as are required for the execution of the provisions of this act

Section 4 That section eight of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

State Employes' Retirement Fund and Accounts

Section 8 (1) The fund and accounts created hereby are the State Employes' Retirement Fund the contingent reserve account State annuity reserve account number two the members' annuity savings account and the members' annuity reserve account

(2) The State Employes' Retirement Fund on and after the first day of July one thousand nine hundred twenty-nine shall consist of all moneys in the several separate funds in the State Treasury set apart to be used under the direction of the State Employes' Retirement Board for the retirement of members of the State Employes' Retirement Association which on the aforesaid date shall be consolidated into one special fund to be known as the "State Employes' Retirement Fund" and thereafter the Treasury Department shall credit to the State Employes' Retirement Fund all moneys received by it from the Department of Revenue arising from contributions [from] by the Commonwealth from the General Fund from the special operating funds and from other agencies and members of the retirement association as hereinafter provided and all interest earned by the investments or moneys of said fund Upon the consolidation of the separate funds as aforesaid there shall be established and maintained by the retirement board for actuarial purposes the several hereinafter named ledger accounts equivalent to and which shall stand in lieu of the several separate funds hereby abolished and all credits to each abolished fund shall be credited by the retirement board to the ledger account hereinafter created to stand in place of said fund

(3) In the month of January nineteen hundred and twenty-six for a period covering the twelve months next preceding and semi-annually thereafter covering the six months next preceding the Commonwealth of Pennsylvania shall from the General Fund from special operating funds and from other agencies pay into the fund created by this act through the Department of Revenue on account of each new member of the retirement association who was a contributor for one or more months of such respective periods such amounts as shall be certified by the retirement board as necessary to provide by such method of payment during the prospective service as State employe of such new member the State annuity reserve required at the time of retirement for the disability or superannuation State annuity allowable by the State Commonwealth under the provisions of this act or required at the time of discontinuance of service under paragraph four of section eleven of this act which amount shall be credited by the retirement board to a ledger account to be known as the contingent reserve account The amount so certified by the retirement board shall be computed to bear a ratio to the salary earnable by such new member during the period for which the amount is certified which shall remain constant during his or her entire period of prospective active service and shall be based on such mortality and other tables as shall be adopted by the retirement board and on regular interest

(4) Upon the retirement of a new member an amount equal to his or her State annuity reserve shall be transferred by the retirement board from the contingent reserve account to the credit of a ledger account to be known as State annuity reserve account His or her State annuity shall be charged to said State annuity reserve account and paid from the fund created by this act Should said new member be subsequently restored to active service his or her State annuity reserve shall thereupon be transferred from State annuity reserve account to the contingent reserve account Should the State annuity of any such new member be otherwise reduced or discontinued in accordance with the provisions of this act his or her State annuity reserve or such proportionate part of his or her State annuity reserve as corresponds to the amount of the reduction of his or her State annuity shall be transferred from State annuity reserve account to the contingent reserve account

(5) The actuary after making the first valuation required shall determine the present value of the liability on account of all State annuities payable to original members and the percentage of the total compensation paid to all members during the preceding year which is equivalent to one twenty-fifth of the said liability The Commonwealth and other agencies designated by this act shall pay into the fund created by this act through the Department of Revenue annually beginning with the month of June nineteen hundred and twenty-five and until the accumulated reserve equals the present value of said liability the amount as certified by the retirement board which shall be equal to the per centum determined in accordance with this section of the total compensation paid to all members for service during the preceding year which amount shall be credited by the retirement board to a ledger account to be known as State annuity reserve account number two Each annual payment shall be sufficient when combined with that in the fund to the credit of the aforesaid account to provide the [pensions] State annuities payable by the Commonwealth during the year then current to original members then retired or to be retired as provided in this act Upon the retirement of an original member his or her State annuity shall be charged to the State annuity reserve account number two and paid from the fund created by this act

(6) There shall be credited by the retirement board to a ledger account to be known as the members' annuity savings account the amounts of the accumulated deductions

from the salaries of contributors made under such rules and regulations as the retirement board shall prescribe as follows

From the salary of each member who is a contributor there shall be deducted and paid into the fund created by this act through the Department of Revenue such per centum of his or her earnable salary as shall be computed to be sufficient with regular interest to procure for him or her on superannuation retirement a member's annuity equal to one one-hundred sixtieth (1-160) [or] if the member [shall] has so [elect] elected prior to the effective date of this amendment or one one-hundredth (1-100) of his or her final salary for each year of service after the thirty-first day of December nineteen hundred twenty-three but after the effective date of this amendment every person becoming a member shall be required to contribute at the one one-hundredth (1-100) rate except that if the deduction so computed shall exceed [five] seven per centum of his or her earnable salary [and] the member [shall so elect] may request the board to be permitted to contribute at the lesser rate and if the board finds that there are reasons which justify such reduction then there shall be deducted [five] seven per centum of his or her earnable salary Provided That those members who have elected to contribute at a five per centum rate prior to the effective date of this amendment may continue such rate of contributions And further provided That a beneficiary restored to service shall not be required to contribute at a per centum rate of his or her earnable salary which is greater than the per centum thereof which he or she was required to contribute prior to his or her retirement The rate per centum of said deductions from salary shall be based on such mortality and other tables as the retirement board shall adopt together with regular interest and shall be computed to remain constant during the prospective service of the contributor

(7) Upon the retirement of a contributor a credit equivalent to the amount of his or her accumulated deductions shall be transferred from the members' annuity savings account to a ledger account to be known as the members' annuity reserve account His or her members' annuity shall be charged to said members' annuity reserve account and paid from the fund created by this act Should said contributor be subsequently restored to active service his or her members' annuity reserve shall thereupon be transferred from the members' reserve account to the members' annuity savings account

(8) No contributor who prior to the effective date of this amendment ceased to make contributions shall be required to continue to contribute to the State Employes' Retirement Fund after he or she shall have become eligible for superannuation retirement if her or she shall have already completed ten years of service [all contributions made thereafter to said Fund shall be voluntary] but any such contributor may elect at any time before retirement to resume contributions to the fund and shall also have the privilege to pay into the fund an amount equal to the total amount her or she would have contributed had he or she not elected to cease to make contributions Every contributor who after the effective date of these amendments becomes eligible for superannuation retirement shall be required to continue to make contributions so long as he or she shall remain in State service

(9) A contributor whether an original member or a new member who is in active service on the date when this amendment becomes effective may transfer from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class Provided That he completes the transfer on or before the thirty-first day of December one thousand nine hundred and [thirty-one] thirty-seven Provided also That in the event of such transfer the per centum of salary deductions applicable to such transferred member in the one one-hundredth (1-100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction applicable while in the one one-hundred-sixtieth (1-160) class

Where a member has transferred from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class as above provided his State annuity upon retirement shall be calculated as follow

(a) For service prior to the time of transfer at the one one-hundred-sixtieth (1-160) rate

(b) For service subsequent to the date of transfer to the date of retirement at the one one-hundredth (1-100) rate

(c) For all service prior to the time of commencing contribution as the time he contributed at the one one-hundred-sixtieth (1-160) rate bears to the total time of contribution and as the time he contributed at the one one-hundredth (1-100) rate bears to the total time of contribution

Section 5 That section ten of said act is hereby amended to read as follows

Service Allowance

Section 10 In computing the length of service of a contributor for retirement purposes under the provisions of this act full credit shall be given to each original member by the retirement board for each year of prior service as a State employe as defined in section one paragraphs six and thirteen of this act As soon as practicable after each original member shall have joined the retirement association the retirement board shall issue to him or her a certificate certifying to the aggregate length of his or her prior service Such certificate shall be final and conclusive as to his or her prior service unless thereafter modified by the retirement board either upon application by the member or upon its own initiative The time during which a State employe is absent without pay shall not be counted in computing the [prior] service or the average salary of a contributor [unless allowed by the head of the department in which said contributor served at the time said leave of absence was granted and further unless said allowance shall be approved by the retirement board]

Section 6 That section eleven of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Withdrawal

Section 11 (1) Should a contributor before reaching disability under section twelve or for superannuation under super-annuation retirement age by resignation or dismissal or for any other reason than death or retirement upon section thirteen cease to be a State employe he or she shall be paid on demand from the fund created by this act (a) the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity beginning at superannuation retirement age which shall be the actuarial equivalent of said accumulated deductions His or her membership in the retirement association shall thereupon cease

(2) Should a State employe so separate from his or her service as State employe without retiring return within [seven] ten years and restore to the State Employes' Retirement Fund to the credit of the annuity savings account in such manner as may be agreed upon by the State employe and the retirement board his or her accumulated deductions as they were at the time of his or her separation the annuity rights forfeited by him or her at [that] the time of separation from service shall be restored and his obligations as a member of the retirement association shall begin again but nothing contained in this clause shall limit the right of a State employe who has heretofore retired or shall hereafter retire voluntarily or involuntarily to return to service as a State employe at any time and to continue from the time of re-entry into State service his rights as an original or new member as they existed at the time of retirement and add to such rights by further service and by further payroll deductions In any such case his or her annuity or allowance shall cease upon re-entry into State service until subsequent retirement

(3) Should a member be discontinued from service not

voluntarily after having completed ten years of total service or voluntarily after having completed twenty-five years of total service but before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) An annuity of equivalent actuarial value to his or her accumulated [contributions] deductions and in addition a State annuity [beginning immediately] having a value equal to the present value of a State annuity beginning at superannuation retirement age [of one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and in addition thereto if an original member of the retirement association of a further State annuity beginning immediately having a value equal to the present value of a State annuity beginning at superannuation retirement age of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act] calculated in accordance with the provisions and with the privileges of the same options provided for in sections thirteen and fourteen of this act with respect to State annuities for superannuation retirement

[(4) Should a judge discontinue service voluntarily or not voluntarily after having completed twenty years of total service but before reaching superannuation retirement age he or she may elect (in addition to the elections otherwise provided for by this act for State employes) to take at the time of retirement an annuity calculated in accordance with clause three (b) of this section as provided for in the case of State employes retiring not voluntarily after having completed ten years of total service or her or she may elect to take a deferred annuity beginning at superannuation retirement age calculated in accordance with section thirteen (2) as provided for in the case of State employes retiring for superannuation but in no event shall the total State annuity exceed fifty per centum of his or her final salary]

[(5)] (4) Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board In case any contributor heretofore or hereafter dying has failed to nominate a beneficiary or the beneficiary nominated shall have died prior to the death of the contributor and in either event the amount of his or her accumulated deductions is less than one hundred dolalrs ($100) the board may if letters testamentary or of administration have not been taken out on the estate of such contributor within six months of death pay such accumulated deductions on the claim of the undertaker or any person or persons or political subdividision who or which shall have paid the claim of the undertaker

Section 7 That sections twelve and thirteen of said act as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Disability Retirement

Section 12 Retirement upon disability shall be made and discontinued as follows

(1) Upon the application of a contributor or of one acting in his or her behalf or upon the application of the head of his department the retirement board shall retire said contributor on a disability allowance if her or she is under the superannuation retirement age and on a superannuation allowance if her or she has attained or passed such age Provided The physician or physicians designated by the retirement board after a medical examination of said contributor made at the place of residence of such contributor or at a place mutually agreed upon shall certify to the retirement board that said contributor is physically or mentally incapacitated for the performance of duty and that said contributor ought to be retired And provided further That said contributor has had five or more years of service as a [State employe] member

(2) Once each year the retirement board may require any disability annuitant while still under the superannuation retirement age to undergo medical examination by a physician or physicians designated by the retirement board said examination to be made at the place of residence of said beneficiary or other place mutually agreed upon Should such physician or physicians thereupon report and certify to the retirement board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty or that such disability beneficiary is able to engage in a gainful occupation and should the retirement board concur in such report then the amount of the State annuity shall be discontinued or reduced to an amount that shall not be in execess of the amount by which the amount of last year's salary of the beneficiary as a State employe exceeds his present earning capacity

(3) Should any disability annuitant while under the superannuation retirement age refuse to submit to at least one medical examination in any year by a physician or physicians designated by the retirement board his or her State annuity shall be discontinued until the withdrawal of such refusal and should such refusal continue for one year all his or her rights in and to the State annuity constituted by this act shall be forfeited

(4) Upon the application of any beneficiary under the superannuation retirement age drawing a disability retirement allowance under the provisions of this act said beneficiary may be restored to active service by the head of the department in which he or she served at the time of his or her retirement Upon the restoration of a beneficiary to active service his or her retirement allowance shall cease and her or she shall resume membership in the retirement association

(5) On retirement for disability a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity which together with the member's annuity shall be sufficient to produce a retirement allowance of one-ninetieth (1/90) of his or her final salary multiplied by the number of his or her years of service but in any case not less than thirty per centum of said final salary unless said thirty per centum shall exceed eight-ninths of the rate of retirement allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age when the State annuity granted shall be such as to make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age

Where a member deferred taking membership and has not completed his back payments at the time of disability retirement then the State annuity shall be the amount to which the member would have been entitled had the back payments been completed at the time of becoming a member

Should a disability annuitant die before the total allowance received for disability shall be at least equal to the amount of his or her accumulated deductions at the time of disability retirement then the board shall pay to the named beneficiary or to the annuitant's estate an amount equal to the difference between the allowance received and the annuitant's accumulated deductions and if such amount is less than one hundred dollars ($100) and no letters have been taken out on the estate within six months after death then payment may be made to the undertaker or to any person or political subdivision who or which shall have paid the claim of the undertaker

Superannuation Retirement

Section 13 Retirement for superannuation shall be as follows

(1) Any contributor who has reached the superannuation retirement age may retire for superannuation by filing with the retirement board a written statement duly attested setting forth [at what time subsequent to the execution of said application] on what date he or she desires to be retired Said application shall [retire said contributor at the time so specified or in the discretion of the retirement board at the end of the year in which the time so specified occurs] make the superannuation allowance effective on the date so specified if such application was filed in the offices of the board or deposited in the United States mail addressed to the board before the date specified in the application and before the death of the contributor Provided however That the date so specified in the application shall not be more than thirty days from the date of filing or depositing the application in the mail

(2) On retirement for superannuation a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement association a further State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act but in no event shall the total State annuity exceed fifty per centum of his or her final salary

Section 8 That section fourteen of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Section 14 At the time of his or her superannuation retirement any contributor may elect to receive his or her benefits in a retirement allowance payable throughout life or if such retirement allowance amounts to less than [five] ten dollars [($5)] ($10) per month he or she may elect to receive the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or he or she may on superannuation retirement elect to receive the actuarial equivalent at that time of his or her member's annuity State annuity or retirement allowance in a lesser member's annuity or a lesser State annuity or a less retirement allowance payable throughout life with the provisions that

Option 1 If he or she die before receiving in payments the present value of his or her member's annuity State annuity or retirement allowance as it was at the time of his or her retirement the balance shall be paid to his or her legal representatives or to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 2 Upon his or her death his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 3 Upon his or her death one-half of his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 4 Some of the benefit or benefits shall be paid to either the contributor or such other person or persons as he or she shall nominate provided such other benefit or benefits shall together with such lesser member's annuity or lesser State annuity or lesser retirement allowance be certified by the actuary of the retirement board to be of equivalent actuarial value and shall be approved by the retirement board

Section 9 That section twenty-two of said act is hereby amended to read as follows

Section 22 The retirement board created by this act and transferred from the Department of State [and Finance] to the Treasury Department shall be and be deemed a departmental administrative board within the said department and shall be subject in all respect to the laws of this Commonwealth limiting the powers of departmental administrative boards with regard to the expenditure of money and prescribing the duties of departmental administrative boards with reference to the making of financial reports the furnishing of financial and budgetary information to the department with which it is connected and the making of biennial reports

Section 10 The members officers and employes of the State Employes' Retirement Board which is transferred by this act from the Department of State to the Treasury Department shall continue to be the members officers and employes of such board and to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions Provided however That on and after the first day of June one thousand nine hundred thirty-seven the State Treasurer shall be the chairman of the board in lieu of the Secretary of the Commonwealth

Section 11 This act shall become effective immediately upon final enactment Provided however That the provisions of this act transferring the State Employes' Retirement Board from the Department of State to the Treasury Department shall not become effective until the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill N. 1041, as follows:

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teachers to be citizens except in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1202 Every teacher employed to teach in the public schools of this Commonwealth must be a person of good moral character [and] must be at least eighteen years of age and must be a citizen of the United States Provided however That citizenship may be waived in the case of exchange teachers not permanently employed and teachers employed for the purpose of teaching foreign languages

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL No. 1033

Mr. RUPP. Mr. President, I move to reconsider the vote by which Senate Bill No. 1033, entitled:

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Comomnwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members.

passed second reading.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1033, (House Bill No. 1651), entitled·

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes for the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Tresury Department and providing for contributions by members.

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamhlet Laws 858(), entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844) the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519(the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 275) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Section 1 Be it enacted etc That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "Retirement System" shall mean the arrangement for the payment of retirement allowances under the provisions of this act

2 "Retirement Association" shall mean the State employes' retirement association provided for in section three of this act

3 "Retirement Board" shall mean the State employes' retirement board provided for in section four of this act

4 "Secretary of the Commonwealth" shall mean the Secretary of the Commonwealth of Pennsylvania

5 'State Treasurer" shall mean the Treasurer of the Commonwealth of Pennsylvania

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania [or] employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of assembly as a general State Authority (not including however any municipal or quasi-municipal

corporation) who immediately prior to their employment by such general State Authority were employes of the Commonwealth so long as they remain officers or employes of such general State Authority if such General State Authority shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled 'An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during the legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

7 "Head of the Department" as applied to State employes shall mean the head of the department or branch of service not a department of the Commonwealth of ment association established by this act

Pennsylvania of which the State employe is a member and shall include all judges of the several courts of this a State employe who shall be a member of the retire-Commonwealth whose salaries are paid by the Commonwealth

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred thirty-five

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

10 "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not an original member and who is elected reelected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe" Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the members annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

11 "Contributor" shall mean any person who has accumulated deductions in the fund created by this act to the credit of the annuity savings account

12 "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided in this act

13 "Prior service" shall mean all service as a State employe completed not later than the thirty-first day of December nineteen hundred twenty-three and in the case of judges shall mean all service completed prior to becoming a member of the retirement association

14 "Disability Retirement" shall mean retirement as defined in section twelve of this act

15 "Superannuation retirement" shall mean retirement as defined in section thirteen of this act

16 "Superannuation Retirement Age" shall mean as applied to State employes sixty years of age

17 "'Final Salary" shall mean the average annual salary earnable by a contributor as a State employe for the five years of service immediately preceding retirement

except that at the member's option the salary earnable by a contributor as a State employe for the years beginning June first one thousand nine hundred thirty-three and June first one thousand nine hundred thirty-four shall not be included in determining such "final salary"

18 "Accumulated Deductions" shall mean the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act to the credit of the annuity savings account together with the regular interest thereon

19 "Regular Interest" shall mean interest at four per cent per annum compounded annually

20 "State Annuity" shall mean payments for life derived from contributions made by the Commonwealth of Pennsylvania as provided in this act.

21 "Members Annuity" shall mean payments for life derived from contributions made by the contributor as provided in this act

22 "Retirement Allowance" shall mean the State annuity plus the members annuity

23 "State Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any State annuity granted and based on contributions made by the Commonwealth of Pennsylvania

24 "Member's Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any members of annuity granted and based on the accumulated deductions of the contributor

25 "State Employes' Retirement Fund" shall mean the fund provided for in paragraph number two in section eight of this act

26 "Contingent Reserve Account" shall mean the account provided for in paragraph number three in section eight of this act

27 "State Annuity Reserve Account" shall mean the account provided for in paragraph number four in section eight of this act

28 "State Annuity Reserve Account Number Two" shall mean the account provided for in paragraph number five in section eight of this act

29 "Member's Annuity Savings Account" shall mean the account provided for in paragraph number six in section eight of this act

30 "Member's Annuity Reserve Account" shall mean the account provided for in paragraph number seven in section eight of this act

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend Sec. 1 (Sec. 1), page 4, lines 28 and 29, by striking out the words "as a general State Authority"; amend Sec. 1 (Sec. 1), page 5, line 2, by striking out the words "general State Authority" and inserting in lieu thereof "public corporation"; amend Sec. 1 (Sec. 1), page 5, line 4, by striking out the words "general State Authority" and inserting in lieu thereof "public corporation"; amend Sec. 1 (Sec. 1), page 5, lines 4 and 5, by striking out the words "General State Authority" and inserting in lieu thereof "public corporation."

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agree to.

The second to the tenth sections, inclusive, of the bill were read as follows and agreed to

Section 2 That section three of said act as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844) is hereby further amended to read as follows

Section 3 A State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act who by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsequent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first [twelve] six months of employment as a State employe have the option of membership bu after the first [twelve] six months of such employment as a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative department nor the members of any independent administrative board or commission or of any departmental administrative board or commission or of any advisory board or commission nor the secretary to the Governor nor the budget secretary nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association

The head of each department board commission or other agency of the State government shall see to it that an application for membership is executed by each new State employe within said six months period and that payroll deductions are not delayed beyond said period

Section 3 That section four of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) is hereby further amended to read as follows

Section 4 (1) On the first day of June one thousand nine hundred thirty-seven the "State Employes' Retirement Board" shall be transferred from the Department of State to the Treasury Department and shall consist of the following

(a) The Secretary of the Commonwealth [who shall be chairman thereof]

(b) The State Treasurer who shall be chairman thereof

(c) One member who shall be appointed by the Governor of the Commonwealth of Pennsylvania who shall serve until his successor is appointed

(d) Two members of the retirement association elected from among their number in a manner to be approved by those persons named in paragraphs (a) (b) and (c) of this section one to serve for one year one for two years and whose successors shall be elected for a term of three years from among the members of the retirement association in a manner to be approved by the retirement board

A vacancy occurring during a term shall be filled for the unexpired term by the appointment of a successor in the same manner as his or her predecessor Until the establishment of the retirement association and the election of two representatives therefrom the [person] persons named in paragraphs (a) (b) and (c) of this section are empowered to perform the duties of the retirement board

(2) The expenses of the administration of this act by the retirement board exclusive of the payment of retirement allowances and of the other benefits provided for in this act shall be paid by the Commonwealth by biennial appropriations from the general fund made on the basis of estimates submitted by the retirement board The members of the retirement board shall serve without compensation but shall be reimbursed from the aforesaid appropriations for any necessary expenditures and no contributor shall suffer loss of salary or wages through serving on the retirement board

(3) The [Secretary of the Commonwealth] State Treasurer shall [with the approval of the Governor] appoint a

secretary an actuary and such medical clerical and other employees as may be necessary

(4) The compensation of all persons so appointed shall be fixed by the [Secretary of the Commonwealth with the approval of the Governor] State Treasurer [Provided That after the Executive Board of this Commonwealth shall have established applicable standards the compensation of the persons employed by the retirement board shall conform to such standards]

(5) Subject to the limitations of this act and of law the retirement board shall from time to time establish rules and regulations for the administration of the fund and ledger accounts created by this act and for the transaction of its business

(6) The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various accounts created by this act

(7) In the years nineteen hundred twenty-seven and nineteen hundred thirty and in every fifth year thereafter the actuary of the retirement board shall make an actuarial investigation into the mortality and service experience of the contributors and beneficiaries as defined in this act and shall make a valuation of the various accounts created by this act and on the basis of such investigation and valuation the retirement board shall

(a) Adopt for the retirement system one or more mortality tables and such other tables as shall be deemed necessary

(b) Certify the rates of deduction from salary necessary to pay the annuities authorized under the provisions of this act and

(c) Certify biennially the [rates of contribution expressed as a percentage of salary of new members at various ages] amount of appropriation which shall be made by the Commonwealth and other agencies to the State Employes' Retirement Fund [and credited to the contingent reserve account] which amounts shall be based on estimates furnished by the actuary and shall be credited to the proper accounts created by this act

The General Fund of the Commonwealth shall not be held liable to appropriate the moneys required to build up the reserves necessary for the payment of the State annuities of contributors whose salary or compensation is payable from special operating funds or agreed to be paid by other agencies from moneys not in the State Treasury but the appropriations or payments necessary for such purposes shall be paid into the retirement fund only from moneys in such special operating funds or by such agencies In case any such special fund or agency shall fail to provide the moneys necessary for such purpose then for such period as moneys are not so provided the credits on which the State annuity of such contributors is based shall not be increased but the rights of such contributors in the retirement system shall nevertheless be continued and payroll deductions shall continue in the case of such contributors to be credited to member's annuity savings account

(8) Immediately after the passage of this act the actuary of the retirement board shall make such investigation of the mortality service and salary experience of the State employes as he shall recommend and the retirement board shall authorize for the purpose of determining upon the proper tables to be prepared and submitted to the retirement board for adoption On the basis of such investigation and recommendation the retirement board shall adopt such tables and certify such rates as are required in subsections (a) (b) and (c) of paragraph seven immediately preceding On the basis of such tables the actuary of the retirement board shall immediately after the first day of January nineteen hundred twenty-four make a valuation of the various accounts created by this act

(9) The retirement board shall prepare and have published annually a financial statement showing the condition of the fund and the various accounts created by this act and setting forth such other facts recommendations and data as may be of use in the advancement of knowledge concerning State employes' pensions and annuities and said retirement board shall submit said financial statement to the Governor of the Commonwealth of Pennsylvania and shall file copies in the offices of the Secretary of the Commonwealth of the State Insurance Department and of the head of each department for use of the State employes and the public

(10) Each member of the retirement board shall take an oath of office that he or she will so far as it develops upon him diligently and honestly administer the affairs of said retirement board and that he or she will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this act Such oath shall be subscribed by the member making it and certified by the officer before whom it is taken and shall be immediately filed in the office of the Secretary of the Commonwealth

(11) The retirement board shall keep a record of all its proceeding which shall be open to inspection by the public

(12) The retirement board shall perform such other functions as are required for the execution of the provisions of this act

Section 4 That section eight of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

State Employes' Retirement Fund and Accounts

Section 8 (1) The fund and accounts created hereby are the State Employes' Retirement Fund the contingent reserve account State annuity reserve account number two the members' annuity savings account and the members' annuity reserve account

(2) The State Employes' Retirement Fund on and after the first day of July one thousand nine hundred twenty-nine shall consist of all moneys in the several separate funds in the State Treasury set apart to be used under the direction of the State Employes' Retirement Board for the retirement of members of the State Employes' Retirement Association which on the aforesaid date shall be consolidated into one special fund to be known as the "State Employes' Retirement Fund" and thereafter the Treasury Department shall credit to the State Employes' Retirement Fund all moneys received by it from the Department of Revenue arising from contributions [from] by the Commonwealth from the General Fund from the special operating funds and from other agencies and members of the retirement association as hereinafter provided and all interest earned by the investments or moneys of said fund Upon the consolidation of the separate funds as aforesaid there shall be established and maintained by the retirement board for actuarial purposes the several hereinafter named ledger accounts equivalent to and which shall stand in lieu of the several separate funds hereby abolished and all credits to each abolished fund shall be credited by the retirement board to the ledger account hereinafter created to stand in place of said fund

(3) In the month of January nineteen hundred and twenty-six for a period covering the twelve months next preceding and semi-annually thereafter covering the six months next preceding the Commonwealth of Pennsylvania shall from the General Fund from special operating funds and from other agencies pay into the fund created by this act through the Department of Revenue on account of each new member of the retirement association who was a contributor for one or more months of such respective periods such amounts as shall be certified by the retirement board as necessary to provide by such method of payment during the prospective service as State employe of such new member the State annuity reserve required at the time of retirement for the disability or superannuation State annuity allowable by the said Commonwealth under the provisions of this act or required at the time of discontinuance of service under paragraph four of section eleven of this act which amount shall be credited by the retirement board to a ledger account to be known as the contingent reserve account The amount

so certified by the retirement board shall be computed to bear a ratio to the salary earnable by such new member during the period for which the amount is certified which shall remain constant during his or her entire period of prospective active service and shall be based on such mortality and other tables as shall be adopted by the retirement board and on regular interest

(4) Upon the retirement of a new member an amount equal to his or her State annuity reserve shall be transferred by the retirement board from the contingent reserve account to the credit of a ledger account to be known as State annuity reserve account His or her State annuity shall be charged to said State annuity reserve account and paid from the fund created by this act Should said new member be subsequently restored to active ervice his or her State annuity reserve shall thereupon be transferred from State annuity reserve account to the contingent reserve account Should the State annuity of any such new member be otherwise reduced or discontinued in accordance with the provisions of this act his or her State annuity reserve or such proportionate part of his or her State annuity reserve as corresponds to the amount of the reduction of his or her State annuity shall be transferred from State annuity reserve account to the contingent reserve account

(5) The actuary after making the first valuation required shall determine the present value of the liability on account of all State annuities payable to original members and the percentage of the total compensation paid to all members during the preceding year which is equivalent to one twenty-fifth of the said liability The Commonwealth and other agencies designated by this act shall pay into the fund created by this act through the Department of Revenue annually beginning with the month of June nineteen hundred and twenty-five and until the accumalated reserve equals the present value of said liability the amount as certified by the retirement board which shall be equal to the per centum determined in accordance with this section of the total compensation paid to all members for service during the preceding year which amount shall be credited by the retirement board to a ledger account to be known as State annuity reserve account number two Each annual payment shall b sufficient when combined with that in the fund to the credit of the aforesaid account to provide the [pensions] State annuities payable by the Commonwealth during the year then current to original members then retired or to be retired as provided in this act Upon the retirement of an original member his or her State annuity shall be charged to the State annuity reserve account number two and paid from the fund created by this act

(6) There shall be credited by the retirement board to a ledger account to be known as the members' annuity saving account the amounts of the accumulated deductions from the salaries of contributors made under such rules and regulations as the retirement board shall prescribe as follows

From the Salary of each member who is a contributor there shall be deducted and paid into the fund created by this act through the Department of Revenue such per centum of his or her earnable salary as shall be computed to be sufficient with regular interest to procure for him or her on superannuation retirement a member's annuity equal to one one-hundred sixtieth (1-160) [or] if the member [shall] has so [elect] elected prior to the effective date of this amendment or one one-hundredth (1-100) of his or her final salary for each year of service after the thirty-first day of December nineteen hundred twenty-three but after the effective date of this amendment every person becoming a member shall be required to contribute at the one one-hundredth (1-100) rate except that if the deduction so computed shall exceed [five] seven per centum of his or her earnable salary [and] the member [shall so elect] may request the board to be permitted to contribute at the lesser rate and if the board finds that there are reasons which justify such reduction then there shall be deducted [five] seven per centum of his or her earnable salary Provided That those members who have elected to contribute at a five per centum rate prior to the effective date of this amendment may continue such rate of contributions And further provided That a beneficiary restored to service shall not be required to contribute at a per centum rate of his or her earnable salary which is greater than the per centum thereof which he or she was required to contribute prior to his or her retirement The rate per centum of said deductions from salary shall be based on such mortality and other tables as the retirement board shall adopt together with regular interest and shall be computed to remain constant during the prospective service of the contributor

(7) Upon the retirement of a contributor a credit equivalent to the amount of his or her accumulated deductions shall be transferred from the members' annutiy savings account to a ledger account to be known as the members' annuity reserve account His or her members' annuity shall be charged to said members' annuity reserve account and paid from the fund created by this act Should said contributor be subsequently restored to active service his or her members' annuity reserve shall thereupon be transferred from the members' reserve account to the members' annuity savings account

(8) No contributor who prior to the effective date of this amendment ceased to make contributions shall be required to continue to contribute to the State Employes' Retirement Fund after he or she shall have become eligible for superannuation retirement if he or she shall have already completed ten years of service [all contributions made thereafter to said Fund shall be voluntary] but any such contributor may elect at any time before retirement to resume contributions to the fund and shall also have the privilege to pay into the fund an amount equal to the total amount he or she would have contributed had he or she not elected to cease to make contributions Every contributor who after the effective date of these amendments becomes eligible for superannuation retirement shall be required to continue to make contributions so long as he or she shall remain in State service

(9) A contributor whether an original member or a new member who is in active service on the date when this amendment becomes effective may transfer from the one one-hundred sixtieth (1-160) class to the one one-hundredth (1-100) class Provided That he completes the transfer on or before the thirty-first day of December one thousand nine hundred and [thirty-one] thirty-seven Provided also That in the event of such transfer the per centum of salary deductions applicable to such transferred member in the one-hundredth (1-100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction applicable while in the one one-hundred-sixtieth (1-160) class

Where a member has transferred from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class as above provided his State annuity upon retirement shall be calculated as follows

(a) For service prior to the time of transfer at the one one-hundred-sixtieth (1-160) rate

(b) For service subsequent to the date of transfer to the date of retirement at the one-hundredth (1-100) rate

(c) For all service prior to the time of commencing contribution as the time he contributed at the one one-hundred-sixtieth (1-160) rate bears to the total time of contribution and as the time he contributed at the one one-hundredth (1-100) rate bears to the total time of contribution

Section 5 That section ten of said act is hereby amended to read as follows

Service Allowance

Section 10 In computing the length of service of a contributor for retirement purposes under the provisions of this act full credit shall be given to each original member by the retirement board for each year of prior service as a State employe as defined in section one paragraphs six and thirteen of this act As soon as practicable after each original member shall have joined the retirement association the retirement board shall issue to him or

her a certificate certifying to the aggregate length of his or her prior service Such certificate shall be final and conclusive as to his or her prior service unless thereafter modified by the retirement board within two years from its issue either upon application by the member or upon its own initiative The time during which a State employe is absent without pay shall not be counted in computing the [prior] service or the average salary of a contributor [unless allowed by the head of the department in which said contributor served at the time said leave of absence was granted and further unless said allowance shall be approved by the retirement board]

Section 6 That section eleven of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Withdrawal

Section 11 (1) Should a contributor before reaching super-annuation retirement age by resignation or dismissal or for any other reason than death or retirement upon disability under section twelve or for superannuation under section thirteen cease to be a State employe he or she shall be paid on demand from the fund created by this act (a) the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity beginning at superannuation retirement age which shall be the actuarial equivalent of said accumulated deductions His or her membership in the retirement association shall thereupon cease

(2) Shoul a State employe so separate from his or her service as State employe without retiring return within [seven] ten years and restore to the State Employes' Retirement Fund to the credit of the annuity savings account in such manner as may be agreed upon by the State employe and the retirement board his or her accumulated deductions as they were at the time or his or her separation the annuity rights forfeited by him or her at [that] the time of separation from service shall be restored and his obligations as a member of the retirement association shall begin again but nothing contained in this clause shall limit the right of a State employe who has heretofore retired or shall hereafter retire voluntarily or involuntarily to return to service as a State employe at any time and to continue from the time of reentry into State service his rights as an original or new member as they existed at the time of retirement and add to such rights by further service and by further payroll deductions In any such case his or her annuity or allowance shall cease upon reentry into State service until subsequent retirement

(3) Should a member be discontinued from service not voluntarily after having completed ten years of total service or voluntarily after having completed twenty-five years of total service but before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a)The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) An annuity of equivalent actuarial value to his or her accumulated [contributions] deductions and in addition a State annuity [beginning immediately] having a value equal to the present value of a State annuity beginning at superannuation retirement age [of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculate only for each year of total service while a member and in addition thereto if an original member of the retirement association of a further State annuity beginning immediately having a value equal to the present value of a State annuity beginning at superannuation retirement age of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act] calculated in accordance with the provisions and with the privileges of the same options provided for in sections thirteen and fourteen of this act with respect to State annuities for superannuation retirement

[(4) Should a judge discontinue service voluntarily or not voluntarily after having completed twenty years of total service but before reaching superannuation retirement age he or she may elect (in addition to the elections otherwise provided for by this act for State employes) to take at the time of retirement an annuity calculated in accordance with clause three (b) of this section as] [provided for in the case of State employes retiring not voluntarily after having completed ten years of total service or he or she may elect to take a deferred annuity beginning at superannuation retirement age calculated in accordance with section thirteen (2) as provided for in the case of State employes retiring for superannuation but in no event shall the total State annuity exceed fifty per centum of his or her final salary]

[(5)] (4) Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board In case any contributor heretofore or hereafter dying has failed to nominate a beneficiary or the beneficiary nominated shall have died prior to the death of the contributor and in either event the amount of his or her accumulated deductions is less than one hundred dollars ($100) the board may if letters testamentary or of administration have not been taken out on the estate of such contributor within six months of death pay such accumulated deductionss on the claim of the undertaker or any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 7 That sections twelve and thirteen of said act as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Disability Retirement

Section 12 Retirement upon disability shall be made and discontinued as follows

(1) Upon the application of a contributor or of one acting in his or her behalf or upon the application of the head of his department the retirement board shall retire said contributor on a disability allowance if he or she is under the superannuation retirement age and on a superannuation allowance if he or she has attained or passed such age Provided The physician or physicians designated by the retirement board after a medical examination of said contributor made at the place of residence of such contributor or at a place mutually agreed upon shall certify to the retirement board that said contributor is physically or mentally incapacitated for the performance of duty and that said contributor ought to be retired And provided further That said contributor has had five or more years of service as a [State employe] member

(2) Once each year the retirement board may require any disability annuitant while still under the superannuation retirement age to undergo medical examination by a physician or physicians designated by the retirement board said examination to be made at the place of residence of said beneficiary or other place mutually agreed upon Should such physician or physicians thereupon report and certify to the retirement board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty or that such disability beneficiary is able to engage in a gainful occupation and should the retirement board concur in such report then the amount of the State annuity shall be discontinued or reduced to an amount that shall not be in excess of the amount by which the amount of last year's salary of the beneficiary as a State employe exceeds his present earning capacity

(3) Should any disability annuitant while under the superannuation retirement age refuse to submit to at least

one medical examination in any year by a physician or physicians designated by the retirement board his or her State annuity shall be discontinued until the withdrawal of such refusal and should such refusal continue for one year all his or her rights in and to the State annuity constituted by this act shall be forfeited

(4) Upon the application of any beneficiary under the superannuation retirement age drawing a disability retirement allowance under the provisions of this act said beneficiary may be restored to active service by the head of the department in which he or she served at the time of his or her retirement Upon the restoration of a beneficiary to active service his or her retirement allowance shall cease and he or she shall resume membership in the retirement association

(5) On the retirement for disability a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity which together with the member's annuity shall be sufficient to produce a retirement allowance of one ninetieth (1/90) of his or her final salary multiplied by the number of his or her years of service but in any case not less than thirty per centum shall exceed eight-ninths of the rate of retirement allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age when the State annuity granted shall be such as to make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age

Where a member deferred taking membership and has not completed his back payments at the time of disability retirement then the State annuity shall be the amount to which the member would have been entitled had the back payments been completed at the time of becoming a member

Should a disability annuitant die before the total allowance received for disability shall be at least equal to the amount of his or her accumulated deductions at the time of disability retirement then the board shall pay to the named beneficiary or to the annuitant's estate an amount equal to the difference between the allowance received and the annuitant's accumulated deductions and if such amount is less than one hundred dollars ($100) and no letters have been taken out on the estate within six months after death then payment may be made to the undertaker or to any person or political subdivision who or which shall have paid the claim of the undertaker

Superannuation Retirement

Section 13 Retirement for superannuation shall be as follows

(1) Any contributor who has reached the superannuation retirement age may retire for superannuation by filing with the retirement board a written statement duly attested setting forth [at what time subsequent to the execution of said application] on what date he or she desires to be retired Said application shall [retire said contributor at the time so specified or in the descretion of the retirement board at the end of the year in which the time so specified occurs] make the superannuation allowance effective on the date so specified if such application was filed in the offices of the board or deposited in the United States mail addressed to the board before the date specified in the application and before the death of the contributor Provided however That the date so specified in the application shall not be more than thirty days from the date of filing or depositing the application in the mail

(2) On retirement for superannuation a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement association a further State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act but in no event shall the total State annuity exceed fifty per centum of his or her final salary

Section 8 That section fourteen of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Section 14 At the time of his or her superannuation retirement any contributor may elect to receive his or her benefits in a retirement allowance payable throughout lif or if such retirement allowance amounts to less than [five] ten dollars [($5)] ($10) per month he or she may elect to receive the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or he or she may on superannuation retirement elect to receive the actuarial equivalent at that time of his or her member's annuity State annuity or retirement allowance in a lesser member's annuity or a lesser State annuity or a less retirement allowance payable throughout life with the provisions that

Option 1 If he or she die before receiving in payments the present value of his or her member's annuity State annuity or retirement allowance as it was at the time of his or her retirement the balance shall be paid to his or her legal representatives or to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 2 Upon his or her death his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 3 Upon his or her death one-half of his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknolwedged and filed with the retirement board at the time of his or her retirement

Option 4 Some other benefit or benefits shall be paid to either the contributor or such other person or persons as he or she shall nominate provided such other benefit or benefits shall together with such lesser member's annuity or lesser State annuity or lesser retirement allowance be certified by the actuary of the retirement board to be of equivalent actuarial value and shall be approved by the retirement board

Section 9 That section twenty-two of said act is hereby amended to read as follows

Section 22 The retirement board created by this act and transferred from the [Department of State] to the Treasury Department shall be and be deemed a departmental administrative board within the said department and shall be subject in all respect to the laws of this Commonwealth limiting the powers of departmental administrative boards with regard to the expenditure of money and prescribing the duties of departmental administrative boards with reference to the making of financial reports the furnishing of financial and budgetary information to the department with which it is connected and the making of biennial reports

Section 10 The members officers and employes of the State Employes' Retirement Board which is transferred by this act from the Department of State to the Treasury Department shall continue to be the members officers and employes of such board and to preform their usual duties

upon the same terms and conditions as heretofore until removed or appointed to other positions Provided however That on and after the first day of June one thousand nine hundred thirty-seven the State Treasurer shall be the chairman of the board in lieu of the Secretary of the Commonwealth

Section 11 This act shall become effective immediately upon final enactment Provided however That the provisions of this act transferring the State Employes' Retirement Board from the Department of State to the Treasury Department shall not become effective until the first day of June one thousand nine hundred thirty-seven

The title of the bill was read as follows and agreed to:

An Act To amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet-Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employe shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1043, as follows:

A Joint Resolution proposing an amendment to section four Article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section four of Article nine of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 4 No Debt shall be created by or on behalf of the State except to supply casual deficiencies of revenue repel invasion suppress insurrection defend the State in war or to pay existing debt and the debt created to supply deficiencies in revenue shall never exceed in the aggregate at any one time one million dollars Provided however That the General Assembly irrespective of any debt may authorize the State to issue bonds to the amount of one hundred fifty millions of dollars for the purpose of improving and rebuilding the highways of the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1047, as follows:

An Act to amend the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further modifying the terms qualifications and other conditions under which the investment of trust funds may be made by fiduciaries by further providing for additional investments of trust funds by fiduciaries and by further providing with respect to the retention or sale of certain investments in the hands of fiduciaries

Section 1 Be it enacted by the Senate and House of Repsentatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection eight subsection nine subsection ten subsection eleven and subsection twelve of paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents or real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the

rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" which were added to the said section by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hunderd forty-five) are hereby amended to read as follows

Subsection (4) Mortages Mortages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall contain an unconditional promise to pay interest on the bonds or other obligations secured thereby and shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assesed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The [face] unpaid principal amount of the bonds or other obligations secured by such mortgages shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or the date of the investment therein by the fiduciary or it shall be amortized in installments totalling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the date thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assessed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The [face] unpaid principal amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Subsection (8) Railroad Obligations Railroad obligations subject to the folowing provisions

(a) As used in this subsection the words "qualified" railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any state or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-gauge railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except directors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for its fiscal year immediately preceding the date of such investment for any of such fiscal years ending [during the period from December thirty-first one thousand nine hundred and thirty] prior to December thirty-first one thousand nine hundred and thirty-five [inclusive] and shall have been not less than one and one-half times its fixed charges for its fiscal year immediately preceding the date of such investment for any such fiscal [year] years ending after December thirty-first one thousand nine hundred and thirty-five Provided That if there was a public offering of securities of any such railroad corporation during its fiscal year immediately preceding the date of such investment or since the close of such fiscal year its fixed charges for such year shall be deemed to be its fixed charges immediately after the issue of said securities adjustments being made for any securities retired in the new financing

(b) As used in this subsection the words "railroad obligations" shall include and mean obligations which meet the following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortage which shall be a first lien on not less than two-thirdss of the total length of the railroad lines covered by its lien a part of which two-thirds shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding United States Census [The railroad lines covered by] Unless such bonds are the bonds of a qualified railroad corporation the income of which available for its fixed charges in each of its three fiscal years immediately preceding the date of the investment therein by the fiduciary shall have been not less than three times its fixed charges for its fiscal year immediately preceding the date of such investment the mortgage securing such bonds shall be either subject to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien [then] the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock Provided That if there was a public offering of securities of any such railroad corporation during its fiscal year immediately preceding the date of such investment or since the close of such fiscal year its fixed charges for such year shall be deemed to be its fixed charges immediately after the issue of said securities adjustments being made for any securities retired in the new financing or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five percentum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding fifteen years from the first date of issue of any thereof in approximately equal annual or semi-annual installments beginning not later than three years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this subsection The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged railroad obligations and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this subsection

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges and by deducting interest and dividends received by any such corporation on its own obligations and securities and on obligations and securities the interest or dividendss on which it is obligated to pay as rental under any lease agreement which such corporation may own Fixed charges shall be rent for leased roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt but shall not include interest and dividends paid or accured by such corporation on its own obligations and securities and on obligations and securities the interest or dividends on which it is obligated to pay as rental under lease agreement and which are owned by such corporation in its own right

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Subsection (9) Obligations of Gas Water and Electrical Companies The following obligations of public utility corporations incorporated under the laws of the United States or any State or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from any individual partnership unincorporated association or other corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business or businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State or Commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon The term "total amount of the outstanding full-paid capital stock" of any such corporation shall consist of the aggregate par value of all its issued shares having a par value plus the the aggregate amount of capital or value applicable to all of its issued shares having no nominal or par value as shown by the books of such corporation

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earning of such corporation shall have averaged per year not less than twice the [average] annual interest charges on its [outstanding] obligations containing an unconditional promise to pay [the] interest thereon [applicable for that period] outstanding at the end of its fiscal year immediately preceding the date of such investment and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year Provided That if there has been a public offering of securities since the close of the last fiscal year then [the net earnings] its interest charges for such last fiscal year shall [have been twice such] be deemed to be its interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for

such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars [in calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt]

(5) In determining the qualifications of any bond under this subsection where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this subsection shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included Provided That all the mortage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this subsection shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements for the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance Provided That if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars or of an issue of which a total of not less than one million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them Provided That a mortgage junior to such underlying mortgage bonds provides for their refund or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the line of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Subsection (10) Obligations of Telephone Companies The following obligations of any corporation incorporated under the laws of the United States or of any state or commonwealth thereof or of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any state or commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period Provided Such corporation shall file with the Federal Communications Commission or a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay the interest thereon

(3) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the [average] annual interest charges on its [outstanding] obligations containing an unconditional promise to pay [the] interest thereon [applicable to that period] outstanding at the end of its fiscal year immediately preceding the date of such investment and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year Provided That if there has been a public offering of securities since the close of the last fiscal year than [the net earnings] its interest charges for such last fiscal year shall [have been twice such] be deemed to be its interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation derived from telephone service shall have averaged per year not less than five million dollars [In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt]

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corpora-

tions issuing or assuming them Provided That a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this subsection where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial portion of the property of any other corporation or corporatins the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this subsection have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this subsection shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(7) The net earnings of any corporation for the purpose of this subsection shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance Provided That if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Subsection (11) Mortgages Insured by Federal Housing Administrator [Mortgages] Mortgage bonds or other obligations of one or more individuals or corporations [securing bonds or other obligations] insured by the Federal Housing Administrator prior to the first day of July one thousand nine hundred and [thirty-seven] thirty-nine pursuant to the provisions of [Title two of] the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements or thereafter insured by such Administrator with like force and effect pursuant to any amendment revision or extension of the provisions of the said act At the date of the investment in any such mortgage the said insurance thereon shall be in good standing in full force and effect

Subsection (12) Debentures Issued by the Federal Housing Administrator and Guaranteed by the United States Debentures issued by the Federal Housing Administrator and fully guaranteed as to principal and interest by the United States pursuant to the provisions of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements and either purchased by the fiduciary as an investment or acepted by the fiduciary in payment of any mortgage insured by the Federal Housing Administrator in which the fiduciary may theretofore have invested monies in its hands to be invested

Section 2 That after subsection twelve of paragraph one of clause (a) of section forty-one of the said act the following new subsections are hereby added

Subsection (13) Federal Land Bank Bonds of any Federal land bank or consolidated bonds of all of the Federal land banks being the joint and several obligations of the said Federal land banks issued pursuant to the provisions of the act of Congress of the United States approved the seventeenth day of July one thousand nine hundred and sixteen its supplements and amendments

Subsection (14) Interest-bearing Deposits Interest-bearing deposits including certificates of deposit saving accounts and other forms of deposits upon which interest is paid in any bank bank and trust company savings bank or national banking association located within this Commonwealth The maturity date or the permissible date of withdrawal of any such deposit shall not exceed on year from the date of the deposit or any renewal thereof A fiduciary shall not invest more than five hundred dollars of the funds of any trust estate in such deposits nor shall such investments be made in deposits in the institution which is fiduciary of such estate

Subsection (15) Consolidated Federal Intermediate Credit Bank Debentures Consolidated debentures of all of the Federal Intermediate Credit Banks being the joint and several obligations of said Federal Intermediate Credit Banks issued pursuant to the provisions of the Act of Congress of the United States approved the fourth day of March one thousand nine hundred and twenty-three its amendments and supplements

Subsection (16) Federal Home Loan Bank Obligations Debentures bonds or other obligations of any of the Federal Home Loan Banks or consolidated debentures of all of the Federal Home Loan Banks being the joint and several obligations of said Federal Home Loan Banks issued pursuant to the provisions of the act of Congress of the United States approved the twenty-second day of July one thousand nine hundred and thirty-two its supplements and amendments

Subsection (17) Shares Insured by Federal Savings and Loan Insurance Corporation Shares of any building and loan association incorporated under the laws of this Commonwealth or of any Federal Savings and Loan Association incoprorated under the laws of the United States the withdrawal or re-purchase value of which are insured by the Federal Savings and Loan Insurance Corporation pursuant to the provisions of the act of Congress of the United States approved the twenty-seventh day of June one thousand nine hundred and thirty-four its supplements and amendments

Subsection (18) Obligations of the General State Authority and Housing Authorities Bonds of General State Authority issued pursuant to the provisions of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) its amendments and supplements and bonds of any housing authority issued pursuant to the provisions of the laws of this Commonwealth relating to the creation or operation of such housing authorities

Section 3 That subsection thirteen of paragraph one of clause (a) of section forty-one of the said act which was added to the said section by the act approved the second day of July one thousand nine hundred thirty-five (Pamphlet Laws five hundred forty-five) is hereby renumbered to read as follows

Subsection [(13)] (19) General Provisions

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(c) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this section when such non-legal investment was received by such fiduciary pursuant to the terms of the will deed decree of court or other instrument or if such non-legal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any such non-legal investment

(d) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisment by two reputable persons familiar with real estate value in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

Section 4 That paragraph two of clause (e) of section forty-nine of the said act is hereby amended to read as follows

2 Where stocks bonds or other securities have been distributed in kind as above provided to any fiduciary [it shall be the duty of such fiduciary to use reasonable diligence in converting such securities as shall not be investments now or hereafter authorized by law and] if such fiduciary be doubtful as to the propriety of retaining or making sale of such securities he may apply to the orphans' court having jurisdiction of his accounts by petition for authority and direction to retain or sell the same whereupon after due notice to all parties interested the said court shall make such order in the premises as to it may appear proper

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. KUNKEL. Mr. President, I move that Senate Bill No. 1049, on second reading, entitled:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended prohibiting seditious teaching in public and private schools

be recommitted to the Committee on Education.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1050, as follows:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (P. L. 261) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor" by substituting Owen J. Zimmerman or his successor in title for Samuel Zimmerman

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the preamble and section one of the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (P. L. 261) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor" are hereby amended to read as follows

Whereas The Commonwealth of Pennsylvania is the owner of certain land hereinafter described which was acquired as a site for the Cumberland Valley State Institution for Mental Defectives in the township of Lower Allen Cumberland County and which is in the custody and under the control of the board of trustees of the Cumberland Valley State Institution for Mental Defectives and

Whereas The board of trustees of the Cumberland Valley State Institution for Mental Defectives is desirous of improving the utility of the tract of land as acquired for the Commonwealth and

Whereas A triangular parcel of land a part of the plot conveyed from Clara E. Best to the Commonwealth through the purchase of February nineteen one thousand nine hundred and eighteen consisting of four and five-tenths acres is the only portion of the said plot lying north of the Reading Railroad in Lower Allen Township Cumberland County Pennsylvania constitutes an undesirable condition for a mental institution involving hazards to patients employes and livestock in crossing the railroad and

Whereas [Samuel Zimmerman] Owen J. Zimmerman or his successor in title whose abode and major portion of farm land lies adjacent to the above four and five-tenths acres owned by the Commonwealth above referred to also owns a parcel of four and three hundred and twenty-six thousandths (4.326) acres south of the railroad and bounded on three sides by land purchased by the Commonwealth as a part of the Clara E. Best plot referred to above and

Whereas The said [Samuel Zimmerman] Owen J. Zimmerman or his successor in title has declared his willingness to exchange on the basis of equal value the parcel of four and three hundred and twenty-six thousandths (4.326) acres now owned by him for the four and five-tenths acres now owned by the Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor be and he is hereby authorized and empowered to convey on the behalf of the Commonwealth of Pennsylvania to [Samuel Zimmerman] Owen J. Zimmerman or his successor in title all that certain parcel of land situate in the township of Lower Allen County of Cumberland State of Pennsylvania bounded and

Beginning at a point one and two hundred and seventy-three thousandths (1.273) miles more or less southwest of the White Hill Station on the northerly side of the Reading Railroad right of way and six hundred and seventy-one (671) feet more or less northeast of the bridge through which Cedar Run flows under the Reading Rail-

road and continuing north ten degrees thirty-seven minutes west (N 10D 37′ W) five hundred and forty-five and forty-one hundredths (545.41) feet to a stone monument thence south eighty-nine degrees twenty minutes east (S 89D 20′ E) seven hundred and fifty-one and seventy-three hundredths (751.73) feet to a stone marker thence south fifty-one degrees (S 51D) eight hundred thirty-seven and ninety-three hundredths (837.93) feet west to the first point containing four and five-tenths (4.5) acres and to execute and deliver in the name of the Commonwealth of Pennsylvania good and sufficient deeds therefor and to acquire in exchange therefor from [Samuel Zimmerman Owen J. Zimmerman or his successor in title the lands and rights as provided by good and sufficient deed in fee free and clear of all liens and encumbrances that certain parcel of land situate in the Township of Lower Allen County of Cumberland in the State of Pennsylvania bounded and described as follows to wit

Beginning at a point in the southerly right of way of the Reading Railway one and two hundred and seventy-three thousandths (1.273) miles more or less southwest of the White Hill Station on the northerly side of the Reading Railway right of way and six hundred and seventy-one (671) feet more or less northeast of the bridge through which Cedar Run flows under the Reading Railroad thence south ten degrees thirty-seven minutes east (S 10D 37′ E) five hundred fifty-seven and sixty-six hundredths (557.66) feet to a stone monument thence north eighty-nine degrees seven minutes west (N 89D 7′ W) four hundred seventy-three and fifty-five hundredths (473.55) feet to a stone marker thence north fifty-two degrees thirty-seven minutes west (N 52D 37′ W) one hundred seventy-seven and eight hundredths (177.08) feet thence north thirty-nine degrees west (N 39D W) fifteen (15) feet to a stone marker thence north fifty-one degrees east (N 51D E) four hundred and seven and sixty-two hundredths (407.62) feet to the first point described containing four and three hundred and twenty-six thousandths (4.326) acres Title to same shall be taken in the name of the Commonwealth of Pennsylvania Title to the hereinabove described land to be acquired by the Commonwealth and all instruments to effecuate the purpose of this act shall be subject to the approval of the Attorney General as to form and manner of execution The Department of Property and Supplies shall file with the Department of Internal Affairs a copy of any deed executed and delivered by it and any deed received by it under this act

No deed shall be delivered by the Department of Property and Supplies under this act unless and until [Samuel Zimmerman] Owen J. Zimmerman or his successor in title shall execute and deliver the necessary deed or deeds to convey in fee to the Commonwealth the land last above described free and clear of all liens and encumbrances

And said bill having been read at length the second time and agreed to,

Ordered, To be laid aside for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1051, as follows:

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings

WHEREAS The Commonwealth has heretofore made grants of public works canals rights and privileges to divers individuals associations and corporations and

WHEREAS Where the conditions covenants and terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof the public interests require a forfeiture of such grants

Section 1 Be it enacted by the Senate and House of Reresentatives of the Commonwelath of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all Commonwealth grants of public works canals rights and privileges are hereby declared forfeited where the conditions covenants or terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof

Section 2 The Attorney General is hereby authorized and directed to institute appropriate action or actions to enforce the forfeitures declared in section one hereof

Section 3 Any and all pending proceedings to enforce the forfeitures declared in section one hereof instituted by the Attorney General prior to the passage of this act are hereby ratified and approved and he is authorized and directed to proceed in such action or actions

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1072, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That until the next United States decennial census is taken and an apportionment made thereon the Senate shall consist of fifty members and the State is hereby apportioned into fifty senatorial districts each of which shall be known by the number herein attached thereto and shall each be entitled to elect one Senator as follows to wit

First District The first second twenty-sixth thirty-ninth and forty-eighth wards of the city of Philadelphia

Second District The twenty-first twenty-eighth thirty-seventh thirty-eighth and forty-third wards of the city of Philadelphia

Third District The third fourth fifth sixth seventh eighth ninth tenth eleventh twelfth thirteenth fourteenth fifteenth thirtieth and thirty-sixth wards of the city of Philadelphia

Fourth District The twenty-seventh thirty-fourth fortieth forty-sixth and fifty-first wards of the city of Philadelphia

Fifth District The sixteenth seventeenth eighteenth nineteenth twentieth twenty-fifth thirty-first and thirty-second wards of the city of Philadelphia

Sixth District The twenty-second forty-second forty-ninth and fiftieth wards of the city of Philadelphia

Seventh District The twenty-fourth twenty-ninth forty-fourth and forty-seventh wards of the city of Philadelphia

Eighth District The twenty-third thirty-third thirty-fifth forty-first and forty-fifth wards of the city of Philadelphia

Ninth District The county of Delaware

Tenth District The city of Scranton and the township of Lackawanna in the county of Lackawanna

Eleventh District The county of Berks

Twelfth District The county of Montgomery

Thirteenth District The county of Lancaster

Fourteenth District The counties of Carbon Monroe Pike and Wayne

Fifteenth District The counties of Dauphin and Lebanon

Sixteenth District The counties of Lehigh and Bucks

Seventeenth District The cities of McKeesport Duquesne and Clarion the boroughs of Braddock East Pittsburgh

Elizabeth Glassport Liberty Munhall North Braddock Port Vue Rankin Versailles and Whitaker and the townships of Elizabeth Forward Lincoln North Versailles South Versailles and Versailles in the county of Allegheny

Eighteenth District The county of Northampton

Nineteenth District The county of Chester

Twentieth District The residue of the county of Luzerne not included in the twenty-first district

Twenty-first District The cities of Nanticoke Pittston and Wilkes-Barre the boroughs of Ashley Avoca Dupont Duryea Hughestown Laflin Laurel Run Sugar Notch Warrior Run and Yatesville and the townships of Bear Creek Bucks Hanover Jenkins Newport Pittston Plains and Wilkes-Barre in the county of Luzerne

Twenty-second District The county of Lackawanna

Twenty-third District The counties of Bradford Susquehanna and Wyoming

Twnety-fourth District The counties of Columbia Lycoming Montour and Sullivan

Twenty-fifth District The counties of McKean Potter and Tioga

Twenty-sixth District The counties of Cameron Clarion Clinton Elk and Forest

Twenty-seventh District The counties of Northumberland Snyder and Union

Twenty-eighth District The county of York

Twenty-ninth District The county of Schuylkill

Thirtieth District The counties of Blair and Huntingdon

Thirty-first District The counties of Cumberland Juniata Mifflin and Perry

Thirty-second District The county of Fayette

Thirty-third District The counties of Adams Franklin and Fulton

Thirty-fourth District The counties of Centre and Clearfield

Thirty-fifth District The county of Cambria

Thirty-sixth District The counties of Bedford and Somerset

Thirty-seventh District The counties of Indiana and Jefferson

Thirty-eighth District The sixteenth seventeenth eighteenth nineteenth twentieth twenty-ninth thirtieth thirty-first and thirty-second wards of the city of Pittsburgh and the boroughs of Greentree Ingram Mount Oliver Brentwood and Castle Shannon in the county of Allegheny

Thirty-ninth District The county of Westmoreland

Fortieth District The boroughs of Aspinwall Avalon Bellevue Ben Avon Ben Avon Heights Blaw Knox Brackenridge Bradford Woods Cheswick Edgeworth Emsworth Etna Fox Chapel Glenfield Haysville Leetsdale Millvale Oakmont Osborne Sewickley Sharpsburg Springdale Tarentum Verona and West View and the townships of Aleppo East Deer Fawn Franklin Frazer Hampton Harmar Harrison Indiana Kilbuck Leet Marshall McCandless O'Hara Ohio Penn Pine Plum Reserve Richland Ross Sewickley Sewickley Heights Shaler Springdale and West Deer in the county of Allegheny

Forty-first District The counties of Armstrong and Butler

Forty-second District The first second [third] sixth ninth twenty-first twenty-second twenty-third twenty-fourth twenty-fifth twenty sixth and twenty-seventh wards of the city of Pittsburgh in the county of Allegheny

Forty-third District The third fourth fifth seventh eighth [ninth] tenth eleventh and twelfth wards of the city of Pittsburgh in the county of Allegheny

Forty-fourth District The thirteenth fourteenth and fifteenth wards of the city of Pittsburgh the boroughs of Chalfont Churchill East McKeesport Edgewood Forest Hills Pitcairn Swissvale Trafford Turtle Creek Wall Wilkinsburg and Wilmerding and the townships of Braddock Patton and Wilkins in the county of Allegheny

Forty-fifth District The twenty-eighth ward of the city of Pittsburgh the boroughs of Bridgeville Carnegie Coraopolis Crafton Dormont Dravosburg Heidelberg Homestead McDonald McKees Rocks Oakdale Rosslyn Farms Thornburg West Elizabeth and West Homestead and the townships of Baldwin Bethel Collier Crescent Finley Jefferson Kennedy Mifflin Moon Mount Lebanon Neville North Fayette Robinson Scott Snowden South Fayette Stowe and Upper Saint Clair in the County of Allegheny

Forty-sixth District the counties of Greene and Washington

Forty-seventh District The counties of Beaver and Lawrence

Foryt-eight District The counties of Venango and Warren

Forty-ninth District The county of Erie

Fiftieth District The counties of Crawford and Mercer

Mr. JACOBS. Mr. President, I move to amend section 1, page 3, line 16, by inserting after the word "The" the following: "residue of the', also section 1, page 3, line 16, by inserting after the word "Lackawanna" the following: 'not included in the tenth district".

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second to the tenth sections inclusive of the bill were read as follows and agreed to:

SENATORIAL APPORTIONMENT

Section 2 The districts as above enumerated shall be based on the decennial census of the United States for the year one thousand nine hundred and thirty and shall take the lines and boundaries and include all the territory within the same as said lines and districts respectively exist at the effective date of this act

Section 3 The nomination and election of a State Senator whom the qualified electors of any county or of any part of a county are entitled to elect of themselves unconnected with any other county or district shall be made held and conducted and the return of votes cast at primary and general elections for the nomination and election of such members shall be made computed canvassed and certified as now or hereafter may be provided by law

Section 4 In all senatorial districts composed of two or more counties the county commissioners of each of such counties in the case of primary elections and the court of common pleas in the case of general elections shall appoint one of the judges of elections of such county comprised within such district to take charge of the returns of all vates cast at any primary or general election in said county for any candidate or candidates for the nomination of State Senator from said district

Section 5 Such return judges shall meet at such places in their respective districts as herein designated

The return judges of the fourteenth district shall meet at the court house in the borough of Stroudsburg in the county of Monroe

The return judges for the fifteenth district shall meet at the court house in the city of Harrisburg in the county of Dauphin

The return judges of the sixteenth district shall meet at the court house in the city of Allentown in the county of Lehigh

The return judges of the twenty-third district shall meet at the court house in the borough of Towanda in the county of Bradford

The return judges of the twenty-fourth district shall meet at the court house in the city of Williamsport in the county of Lycoming

The return judges in the twenty-fifth district shall meet at the court house in the borough of Coudersport in the county of Potter

The return judges of the twenty-sixth district shall meet at the court house in the city of Lock Haven in the county of Clinton

The return judges of the twenty-seventh district shall

meet at the court house in the borough of Sunbury in the county of Northumberland

The return judges of the thirtieth district shall meet at the court house in the borough of Hollidaysburg in the county of Blair

The return judges of the thirty-first district shall meet at the court house in the borough of New Bloomfield in the county of Perry

The return judges of the thirty-third district shall meet at the court house in the borough of Chambersburg in the county of Franklin

The return judges of the thirty-fourth district shall meet at the court house in the borough of Clearfield in the county of Clearfield

The return judges of the thirty-sixth district shall meet at the court house in the borough of Bedford in the county of Bedford

The return judges of the thirty-seventh district shall meet at the court house in the borough of Indiana in the county of Indiana

The return judges of the forty-first district shall meet at the court house in the borough of Kittanning in the county of Armstrong

The return judges of the forty-sixth district shall meet at the court house in the borough of Washington in the county of Washington

The return judges of the forty-seventh district shall meet at the court house in the borough of Beaver in the county of Beaver

The return judges of the forty-eighth district shall meet at the court house in the city of Franklin in the county of Venango

The return judges of the fiftieth district shall meet at the court house in the city of Meadville in the county of Crawford

Section 6 Such return judges shall meet and cast up the several returns of the counties composing the district on the Tuesday next following the day on which the official computation of the county returns in all of such counties shall have been completed

Section 7 The return judges shall execute under their hands and seals a general and true return of the whole district which in case such return is of the general election shall be deposited with the prothonotary of the county wherein the return is executed or in case the return is of a primary election wiht the county commissioners of such county Immediately upon the receipt of such return the prothonotary or county commissioners as the case may be shall make copies of such return and shall transmit one copy hereof properly certified to the Secretary of the Commonwealth and one copy also certified to the person or persons receiving the highest number of votes cast at the preceding general or primary election for the office for which the election was held or the nominations were made in the district

Section 8 Every return judge shall receive out of the treasury of his proper county the sum of ten dollars for each day actually employed in the computing such vote and in addition thereto shall receive ten cents for each mile necessarily traveled in going to and from the place of meeting

Section 9 At the general election in the year one thousand nine hundred and thirty-eight and quadriennially thereafter Senators shall be chosen to serve for four years in the even-numbered districts At the general election in the year one thousand nine hundred and forty and quadriennially thereafter Senators shall be chosen to serve for four years in the odd-numbered districts

The Senators now in office shall continue in such office and shall respectively represent the districts as herein apportioned in which they reside until the expiration of the terms for which the were elected

Section 10 The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 449) entitled "An act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial district as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators" and its amendments are hereby repealed

All ohter acts and parts of acts inconsistent with the provisions of this act are hereby repealed

The title of the bill was read as follows and agreed to,

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators.

And said bill having ben read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. JACOBS. Mr. President, I move that Senate Bill No. 1072, the bill just read be recommitted to the Committee on Legislative Apportionment.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1087, (House Bill No. 1639), entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care maintenance, detention, employment and training of defective delinquents; providing for the commitment and transfer of such persons to such institutions and discharge therefrom; conferring powers and imposing duties on the Department of Welfare and courts; and imposing certain charges on counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1093, (House Bill No. 905), entitled:

An Act prohibiting industrial police from carrying weapons when not on duty requiring them to leave the same at place of employment and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1120, as follows:

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for munici-

pal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under oath and prior acts of Assembly" by providing further procedure for preserving such liens and enforcing payment of such claim

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section ten and section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" are hereby amended to read as follows

Section 10 Said claim shall set forth

1 The name of the muincipality by which filed

2 The name of the owner of the property against which it is filed

3 A description of the property against which it is filed

4 The authority under or by virture of which the tax was levied or the work was done

5 The time for which the tax was levied or the date on which the work was completed in front of the particular property against which the claim is filed or the date of completion of the improvement where the assessment is made after completion or the date of confirmation by the court where confirmation is required done.

6 If filed to the use of a contractor the date of and parties to the contract for doing said work and

7 In other than tax claims the kind and character of the work done for which the claim is filed and if the work be such as to require previous notice to the owner to do it when and how such notice was given

Said claim (must) shall be signed by the solicitor or chief executive officer of the claimant (;) except in counties having a controller in which case it shall be signed by the controller and in the case of a use-plaintiff must be accompained by an affidavit that the facts therein set forth are true to the best of his knowledge information and belief

Section 15 Such tax municipal or other claim if filed within the period aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of nonpayment and an averment of default in the form hereinafter provided be filed in cases of tax claims either before or after judgment on the scire facias and in cases of other than tax claims after judgment on the scire facias or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion of nonpayment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now the claimant by (his) its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for nonpayment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment (must) shall be signed by the solicitor or chief executive officer of the claimant (o) except in counties having a controller in which case it shall be signed by the controller The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and preserving the line of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtaind upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1119, as follows:

An Act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Anthracite Mine Inspectors' Examining Board shall meet upon the call of the chairman thereof at such times and places as the chairman shall designate and at such times and places as the board may by rule designate

Section 2 The said examining board shall prepare questions and formulate rules to be used in conducting and governing the examinations given to applicants for the office of Anthracite Mine Inspector the members of the board upon assuming office shall each take and subscribe to before any officer authorized to administer the same the following oath namely

"I do solemnly swear that I will perform the duties of exmainer of applicants for the office of mine inspector to the best of my ability and that in recomending or rejecting said applicants I will be governed by the evidence of their qulaifications to fill the position and not by any consideration of political or personal favor and that I will

certify all applicants who may be found qualified and no others according to the true intent and meaning of the law"

The oaths of the members of the examining board shall be filled in the Department of Mines

Section 3 Public notice of an examination shall be given at least two weeks prior thereto in a newspaper published in each of the following counties Luzerne Lackawanna Schuylkill and Northumberland The board shall meet at the time and place set forth in said notice and examine the applicants for the office of Anthracite Mine Inspector The qualtifications of applicants shall be certified to the board and be as follows

(a) They shall be citizens of this Commonwealth and residents of the anthracite region of temperate habits of good repute of personal integrity in good physical condition and not under thirty or over fifty years of age Every applicant shall furnish to the examining board a service statement Such statement shall show the length of time served at each class of work at which the applicant has been employed in and about the mines and be certified to by the superintendent or other responsible official under whom such applicant was employed The owner operator or superintendent of every mine or colliery is hereby required to furnish such a statement to every applicant

(b) They shall give to the board satisfactory evidence of having had at least ten (10) years of practical experience in the anthracite coal mines of this Commonwealth five (5) years of which they shall have served as qualified coal miners possessing miners' certificates engaged in the actual practice of cutting and blasting coal or rock at the face of a gangway airway breast pillar or other working place in a mine and in performing such other work in such working places as is necessary for the extraction of coal

(c) They shall give to the board satisfactory evidence of having had practical experience with explosive gases and other dangerous and noxious gases found in coal mines

(d) They shall give to the board satisfactory evidence of having a general practical knowledge of mines mining and machinery

(e) They shall give to the board satisfactory evidence of having a general practical and comprehensive knowledge of the chemistry of gases generally found in coal mines

(f) They shal give to the board satisfactory evidence of having a knowledge of the methods of administering first aid to the injured and of the work and requirements of rescue corps

(g) They shall give to the board satisfactory evidence of having knowledge of the science of electricity as applied to coal mining and they shall in addition give evidence of having a sufficient knowledge of the science of mining engineering to enable them to read and understand the mine workings of any mine as shown on mine maps which may be presented at such examinations and they shall be able to make a cross section of a mine from said maps

(h) They shall give to the board satisfactory evidence of having a theoretical and practical knowledge of the different systems of mining and ventilating anthracite coal mines and of their fitness and capability to perform the duties of the office of a mine inspector

Section 4 The examination shall be in writing and the applicants who have attained an average of at least eighty per cent including proper allowances for experience shall be deemed successful but in no case shall the allowances for experience be more than twenty-five per cent

Section 5 The manuscripts and all other papers of the applicants in the examination together with the tally sheets and the correct solution of each question as prepared by the board shall be filed in the Department of Public Instruction The board or at least four members thereof shall certify to the Governor and also to the Secretary of Mines the names and percentages of all successful applicants who are properly qualified under the provisions of this act to fill the office of Anthracite Mine Inspector A certificate of gualification shall be issued to each successful applicant A certificate so issued shall remain in force for a period of four years only unless the holder thereof has received an appointment as Anthracite Mine Inspector and has served as such for a period of four (4) years in which case the certificate shall become permanent

Section 6 The Anthracite Mine Inspectors holding office on the date this act becomes effective shall continue to serve until the expiration of their respective terms and such persons shall thereafter be eligible for reappointment as Anthracite Mine Inspectors without examination provided that they served as Anthracite Mine Inspectors for a period of four (4) years or longer Such reappointment shall not be governed by the provisions of section seven of this act

Section 7 When a vacancy occurs in the office of Anthracite Mine Inspector by death or otherwise the Governor shall appoint from the list of successful applicants certified to him by the Anthracite Mine Inspectors' Examining Board any one of the three persons having received the highest percentages in the examination All the names but the one chosen for appointment shall be included in the list from which the next appointment is to be made

Section 8 When there remain upon the list of successful applicants certified to the Governor less than three names as a result of appointments made therefrom or as a result of the expiration of the certificates of qualication of persons named therein or from any other cause the Governor shall call the Anthracite Mine Inspectors' Examining Board to meet and proceed to conduct an examination for the purpose of supplying a new list of eligible applicants

Section 9 The tenure of office of Anthracite Mine Inspectors appointed under this act shall be during good behavior subject to the provisions of section twelve of this act and the Constitution of this Commonwealth

Section 10 In case an inspector becomes incapacitated to perform the duties of his office or is granted a leave of absence by the Secretary of Mines for sixty (60) days or more it shall be the duty of the Governor at the request of the Secretary of Mines to appoint temporarily to the office a person on the eligible list of applicants The temporary inspector shall act until the regular inspector is able to resume the duties of his office and shall be paid in the same manner as provided for the payment of regular inspectors

Section 11 No Anthracite Mine Inspector under this act shall act as manager of any anthracite coal mine or be interested in the operation of any anthracite coal mines in this Commonwealth

Section 12 Upon a petition signed by not fewer than fifteen reputable citizens who shall be miners or operators of mines and with the afidavit of one or more of said petitioners attached setting forth that any inspector of mines is holding office illegally or is neglectful or is incompetent or unable to perform the duties of his office or that he is guilty of malfeasance in office or upon petition of the Secretary of Mines setting forth any of the above charges the court of common pleas of the county in which the inspector is acting and is a resident shall issue a citation in the name of the Commonwealth to the said inspector to appear at not less than ten (10) days' notice on a day fixed before said court and the court shall then proceed to inquire into and investigate the allegations of the petitioners If said charges are sustained the court shall declare the office of said inspector vacant and shall so certify to the Governor who shall proceed in compliance with the provisions of this act to fill the vacancy If said charges are not sustained and the court believes there was sufficient ground for said charges the costs shall be placed on the county

Section 13 Any Anthracite Mine Inspector violating the provisions of section eleven of this act shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or undergo imprisonment in the county jail for a period of not less than ninety (90) days or both at the discretion of the court

Any person or persons who shall give any false or forged evidence of any kind to the Anthracite Mine Inspectors' Examining Board or to any member there of in obtaining a certificate of qualification shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than three hundred

dollars ($300.00) or to undergo imprisonment in the county jail for a period of not less than three (3) months or both at the discretion of the court

Any person or persons found to be in collusion with any member or members of such examining board or who shall use any undue influence or attempt to bribe any member or members of such board for the purpose of procuring certificates for applicants or who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or undergo imprisonment in the county jail for a period of not less than six (6) months or both at the discretion of the court

Section 14 This act shall become effective immediately upon its final enacment

Section 15 The act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of eqaminers to examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and terms of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1121, as follows:

An Act providing for the erection construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority authorizing the Commonwealth to lease the new school and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon and conferring powers and imposing duties upon certain State departments boards commissions and officers

Whereas The present Pennsylvania Industrial School at Huntingdon originally intended as a Middle State Penitentiary with its high walls and towers has all the aspects of a State Penitentiary and the addition of a medium security bloc has detracted little from its forbidding appearance and

Whereas The internal arrangement of the cell blocs with barred windows and double locked switches contradicts the idea that this institution is a method devoted to rehabilitation and

Whereas the erection of a new industrial school and the use of the present institution at Huntingdon for the detention of defective delinquents will accomplish one important step in the development of an adequate penal institution program for the Commonwealth and

Whereas It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct such new industrial school and lease the same to the Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Welfare with the approval of the Governor shall select for acquisition either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the Authority a tract of land of not less than one thousand acres well supplied with water and capable of being sewered and drained for the erection and construction thereon by The General State Authority of an institution to be known as the Pennsylvania Industrial School with a capacity of not less than twelve hundred inmates to take the place of and to serve the same purposes as the present Pennsylvania Industrial School at Huntingdon The title to the lands so acquired shall be approved by the Attorney General If it shall be found that the Commonwealth owns State forest lands or other lands suitable in whole or in part for such use such lands may be designated by the Department of Welfare with the approval of the Governor and the department board or commission of the Commonwealth having possession and control of the same and used for the aforesaid purpose and any additional lands necessary may be selected and acquired as aforesaid

Section 2 Upon the acquisition of any land in the name of the Commonwealth or designation of any land of the Commonwealth as provided in section one the Department of Property and Supplies shall have authority to convey the same to The General State Authority for the purpose of having such Authority erect and construct thereon the new Pennsylvania Industrial School The plans and specifications of the school whether erected on land acquired directly by the General State Authority or by conveyance to it from the Commonwealth shall be subject to the approval of the Department of Welfare and shall provide for suitable buildings and an adequate water supply system sewage treatment works heat and electric power plant or plants service lines and other necessary equipment structures and improvements The buildings shall be of modern design plain and substantial and capable of extension as the needs of the institution may require The setting and the architecture shall express the principle of rehabilitation through the greatest possible freedom of choice and expression in work education and recreation consistent with the protection of society

Section 3 The Department of Welfare may enter into a agreement with The General State Authority for the use of inmates in the present Pennsylvania Industrial School at Huntingdon in improving the site of the new school the preparation of building materials the construction of new buildings and improvements pertinent thereto or to engage in farming or dairying work In the case of any such agreement the Department of Welfare shall have power to transfer from the present Pennsylvania Industrial School at Huntingdon such inmates as it may deem necessary for these purposes provided a suitable building or buildings are available for the custody of such inmates Such agreement shall require that The General State Authority shall pay to the Manufacturing Fund in the State Treasury for the labor of such inmates such wages for each inmate so employed as may be agreed upon in accordance with the laws regulating the employment of prison or inmate labor The expenses of maintaining such inmates at the site of the new school shall be borne by the respective counties from which they shall have been committed and shall be paid to the State Treasurer through the Department of Revenue as provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon but such actual expense shall be paid in the first instance by the Department of Welfare from appropriations made for such purposes

Section 4 The Department of Property and Supplies with the approval of the Governor is hereby authorized to enter into a lease for not more than fifty (50) years with The General State Authority to acquire the use of the new Pennsylvania Industrial School and any lands or farms connected therewith for the purposes of having the same managed and operated by the Department of Welfare In such case the management and operation of the school and the care maintenance and employment of the school and the care maintenance and employment of the inmates shall be the function of the Department of Wel-

fare Subject to and in the manner provided in The Administrative Code of 1929 and its amendments the Department of Welfare shall have power to employ and fix the compensation of a superintendent deputy superintendent chaplain guards physicians mechanics clerks stenographers and other employes as may be deemed necessary for the proper maintenance and management of the school and the safekeeping therein of its inmates The compensation of all persons so appointed and all other expenses in connestion with the care and maintenance of inmates of said school shall be paid from the appropriation made to the Department of Welfare for such purposes but the Commonwealth shall be reimbursed for such expenditures by the respective counties from which such inmates were committed to the extent and in the manner provided by law in the case of inmates maintained in Pennsylvania Industrial School at Huntingdon

Section 5 Upon the completion of the new Pennsylvania Industrial School and after the execution of a lease of the same by the Commonwealth of Pennsylvania from The General State Authority the Department of Welfare shall transfer under the provisions of The Administrative Code of 1929 from the Pennsylvania Industrial School at Huntingdon all persons who are then detained therein unless directed otherwise as provided by the Mental Health Act of July eleventh one thousand nine hundred thirty-three (P. L. 998) and all books papers records documents in the possession of the said school and the board of trustees thereof Thereafter all commitments which were heretofore made by the courts of this Commonwealth to the Pennsylvania Industrial School at Huntingdon shall be made to the new Pennsylvania Industrial School erected under the provisions of this act The Department of Welfare shall advise all of the courts of this Commonwealth of the date from and after which commitments shall be made to the new school

Section6 In the management and operation of the new Pennsylvania Industrial School the Department of Welfare shall have all the powers conferred and perform all the duties imposed by the laws of this Commonwealth on the Board of Trustees of the Pennsylvania Industrial School at Huntingdon All laws of this Commonwealth now relating to the care maintenance management safe-keeping employment traning and treatment pardon and parole of persons detained in the Pennsylvania Industrial School at Huntingdon shall be deemed to apply to persons detained in and committed to the new Pennsylvania Industrial School

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 1122 on second reading entitled:

An Act providing for the erection construction and equipment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries and conferring powers and imposing duties upon certain State departments boards commissionsh and officers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1125, entitled:

An Act requiring the Secretary of the Commonwealth and providing for hearings and appeals to inquire into the purposes of the incorporators or those attempting to form an association of labor groups to approve and disapprove their incorporation or their attempted association or right to do business within the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No 1134, as follows:

An Act to repeal the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws 102) entitled "An act transferring money from the State School Fund to the General Fund and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws 102) entitled "An act transferring money from the State School Fund to the General Fund and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effecuate such transfer" is hereby repealed as of the first day of September one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1137, as follows:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding sectin eighteen

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Article nine of the Constitution of the Commonwealth of Pennsylvania be amended by adding thereto section eighteen to read as follows

Section 18 In addition to the purposes stated in article nine section four of this Constitution the State may be authorized to issue bonds to the amount of ten million dollars ($10,000,000) for the purpose of acquiring land for state forest purposes and for the development of the same

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

Th Senate proceeded to the second reading and consideration of Senate Bill No. 1148, (House Bill No. 1411), entitled:

An Act to further amend the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by conferring certain powers on the State Board of Optometrical Examiners further regulating and providing for the licensing of branch offices prescribing additional grounds for refusing cancelling revoking or suspending licenses and making certain changes as to persons who are and those who are not subject to the provisions of the act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

Th Senate proceeded to the second reading and consideration of Senate Bill No. 1149, (House Bill No. 1557), entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. REED. Mr. President, I move that Senate Bill No. 1149 be postponed for the present.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

Th Senate proceeded to the second reading and consideration of Senate Bill No. 1152, as follows:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the orphans' court to conduct jury trials to determine issues awarded by it and regulating the procedure and appeals in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is is hereby enacted by the authority of the same That section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" is hereby amended by adding at the end thereof a new subdivision to read as follows

Section 21

(d) In any case where it would be lawful proper or expedient for the orphans' court to send an issue to the court of common pleas for the trial of facts by a jury the orphans' court may in its discretion draw a jury and designate one of its own judges to preside at the trial of said issue The panel of jurors drawn for service in the common pleas court of the county in which the orphans' court is located shall be available for such service in the orphans' court when required and the orphans' court and the courts of common pleas of said county shall by appropriate rules shall be made available and sent to the orphans' court provide for and regulate the manner in which the jurors when required for the trial of issues therein

Unless and until the orphans' court otherwise directs the rules of the common pleas courts of said county regulating the taking and disposition of motions for new trials taking off non-suits and entering judgments non obstante verdicto shall apply to jury trials of issues in the orphans' court except that said motions shall be heard and disposed of by the orphan's court sitting en banc instead of by the common pleas court

The entry of judgment upon the verdicts rendered at such trials of said issues in the orphans' court shall have the same force and effect and be subject to appeals in the same manner as appeals in like cases are now taken in the common pleas courts from judgments on issues certified by the orphans' court

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1153, as follows:

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of the cities of the second class" establishing a Department of Lands and Buildings in said cities providing for its officers and employes defining the powers duties and jurisdiction of said department and in certain cases transferring the same from existing departments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That an additional executive department in the government of cities of the second class is hereby created to be known as the Department of Lands and Buildings

Section 2 The Department of Lands and Buildings shall be under the charge of a director who shall be the head thereof The care maintenance repair and alteration management and supervision of all city buildings the supervision of contract work in connection with the costructio of all city buildings the supervision of janitors watchman and elevator service and the operating maintenance of all city buildings and the lease purchase and sale of real estate of the city shall be under the jurisdiction of this department

Section 3 All the powers and duties as set forth in section two hereof which are now under the jurisdiction of any other department of said city are hereby transferred to the Department of Lands and Buildings created by this act

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 This act is to become effective October 1 1937

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1154, as follows:

An Act to amend Article four of the act approved the seventh day of March one thousand nine hundred one (P. L. 20) entitled "An act for the government of cities of the second class" transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article four of the act approved the seventh day of March one thousand nine hundred one (P. L. 20) entitled "An act for the government of cities of the second class" is hereby amended to read as follows

ARTICLE IV

Department of Public Works

Section 1 The Department of Public Works shall be under the charge of one director who shall be the head thereof

Water works gas works and electric light plants owned and controlled by the city the supply and distribution of water and gas the grading paving repairing cleaning and lighting of streets alleys and highways the construction protection and repair of public buildings bridges and structures of every kind for public use public squares real estate (except such as now or hereafter may be used for educational or police purposes fire engine houses almshouses hospitals pest houses and grounds) surveys engineering sewerage drainage and dredging and all matters and things in any way relating to or affecting the highways footways wharves and docks of the city shall be under the direction control and administration of the Department of Public Works All laws relating to parks and condemnation of land for park purposes are to remain in full force

Section 2 All the powers and authority set forth in section twenty of the act approved the twenty-sixth day of June one thousand eight hundred ninety-five (P. L. 350) conferred upon the Director of the Department of Public Safety relative to entering into contracts for the removal and disposal of all offal garbage and swill and all the duties imposed by said section upon the Bureau of Health and which were later transferred to the Department of Public Health by section four of the act approved the first day of April one thousand nine hundred nine (P. L. 83) are hereby transferred and retransferred to and shall hereafter be exercised by the Department of Public Works

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1156, as follows:

An Act authorizing and regulating the issuing by cities of the second class of nondebt revenue bonds for the construction or acquisition of waterworks and for extensions and improvements to waterworks providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers and establishing the rights of bondholders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose of financing the cost and expense of constructing or acquiring any waterworks or constructing extensions to or improving existing waterworks any city of the second class may issue non-debt revenue bonds sceured solely by a pledge in whole or in part of the annual rentals or charges imposed upon consumers of water Said bonds shall not pledge the credit not create any debt nor be a charge against the general revenues nor be a lien against any property of the city but shall be a lien upon and payable solely from the annual rentals or charges imposed upon consumers

Section 2 Whenever any city of the second class has enacted an ordinance or resolution imposing a water rental or charge upon consumers and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said waterworks extensions or improvements have been completed and have been in operation for not exceeding one year in order to provide sufficient revenues until such time as rentals or charges may be collected from consumers

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any city to create indebtedness in accordance with existing laws

Section 3 When any city of the second class shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the city Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the city No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such city to sell the same at private sale for not less than par value and accrued interest

Section 4 All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in annual installments as may be determined by the city and bear interest at a rate not exceeding six per centum per annum

Section 5 Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 6 Any city of the second class may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the waterworks thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the city may authorize including (but without limitation provisions as to (1) the construction improvement operation maintenance and repair of the waterworks and the duties of the city with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 7 The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or

resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the city shall default in the payment of principal of or interest on any of the bonds after the said pricipal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event event that the city shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the city to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the waterworks and to require the city to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the city to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the city declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the waterworks or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the city and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct in any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the waterworks the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trutee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general represenation of the bondholders in the enforcement and protection of their rights

Section 8 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideratаion of Senate Bill No. 1157, as follows:

An Act authorizing and empowering cities of the second Class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain and to use sell and purchase water within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That the word "property" as used in this act shall be construed to mean and include lands buildings earth sand clay gravel rock stone wood materials springs streams rivers lakes easements and rights of way together with any facilities constructed thereon

The term "water-works" as used in this act shall be construed to mean reservoirs dams storing lakes power plants viaducts aquaducts canals tanks cisterns water mains and pipes pumping stations filtration plants buildings machinery and any other works connected with a public water supply system and necessary for the colection reception storage purification conveyance and distribution of water for domestic and industrial consumption

The word "city" means a city of the second class

Section 2 Any city shall have power and authority to acquire by purchase lease gift or the exercise of the power of eminent domain any property whether situate within or without the corporate limits of such city and to erect or construct thereon water-works for the purpose of supplying water to such city and the inhabitants thereof Any such city shall have power to lay its water mains and pipes over or under any creek stream river bridge highway railroad or railway

Section 3 Whenever any city shall exercise the power of eminent domain for any of the purposes of this act it shall not be necessary for such city to give or tender security for the taking injury or destruction of property but the funds raised or proper and lawful to be raised by the power of taxation in such city shall be pledged and are hereby made security to the owner or owners of property so taken injured or destroyed for all damages which they may sustain on account of such taking injury or destruction and such city shall not be required to give or tender any further security or to give or tender any bond or bonds whatsoever

Section 4 Whenever any city has condemned property for waterworks purposes under the provisions of this act in any county of this Commonwealth other than the one in which such city is located it shall record a copy of the ordinance making such condemnation in the office of the recorder of deeds of each county where any of such property is located together with any subsequent amendments or supplements to such ordinance

Section 5 Upon the recording of the ordinance of condemnation in the county where any property is located it shall be lawful for the city by its officers agents or contractors to enter upon and take possession of any property so condemned and to erect and construct thereon water works and to do all things necessary for the purpose of fully carrying out the purposes of this act

Section 6 If the owner lessee or occupier shall refuse to remove his personal property or give up possession of any property taken by the city in the exercise of its power of eminent domain the city may serve written notice upon such owner lessee or his agent or the occupier to remove his personal property and give up possession of such property within sixty days from the date of the service of such notice

If the owner lessee or occupier shall refuse to remove his personal property and give possession upon proof of

the service of the notice a writ of habere facias possessionem shall forthwith issue directing the sheriff to give to the city possession

Section 7 If any city in erecting and constructing waterworks shall find it necessary in storing water to occupy and overflow with water any portion of any public road the city shall cause such road to be reconstructed at its own expense on a favorable location and in as perfect a manner as the original road and for such purposes is authorized to condemn lands Whenever an agreement as to the price cannot be had with the owners the damages for land so taken shall be assessed as herein provided in the case of property taken for waterworks purposes

Section 8 The city shall attempt to agree with the owner of any property taken or to be taken injured or destroyed as to the amount of damage done or likely to be done to him in the taking of such property and in the erection and construction of such water-works and if no agreement can be reached or if the owner cannot be found or is not sui juris the city or the owner or any person interested may apply by petition to the court of common pleas of the county where the property is located or to any law judge thereof in vacation whereupon the court or judge shall appoint three viewers from the county board of viewers to view and ascertain the damages done by reason of said taking use occupancy injury or destruction and appoint a time not less than twenty nor more than thirty days thereafter when the viewers shall meet at or upon the premises affected Thereupon the same proceedings shall be had for the assessment of damages and the costs and expenses in connection therewith with the same right of appeal and trial by jury as is provided by the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefitted and the construciton of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" and the amendments and supplements thereto

Section 9 Any such city shall have power with the consent of the owner thereof to connect its water-works with any other water-works within and without its corporate limits and to use purchase sell and dispose of water

Section 10 All acts and parts of acts general local or special inconsistent with this act are hereby repealed

Section 11 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1158, as follows:

An Act providing a method of annexation of townships and parts of townships to cities and boroughs and regulating the proceedings pertaining thereto.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever electors equal to at least ten per centum of the highest vote cast for any office in any tonwship contiguous to a city or borough at the last preceding general election or whenever a majority of the qualified electors residing within any part of a township contiguous to a city or borough shall petition the council of such city or borough for the annexation of the township or part of a township to the contiguous city or borough and for a referendum on the question of such annexation the council shall cause a question to be submitted at the [general or municipal] primary election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners of the county or counties in which any part of the city or borough or the township is located for submission of such question on the ballot or on voting machines at such election both in such township and in the city or borough to which annexation is desired in the manner provided by the election laws of this Commonwealth

Such question shall be in the following form

Do you favor the annexation of the township of ..... (or the part of the township briefly described) to the city (or borough) of .....?	Yes	
	No	

If a majority of the persons voting on such question in the entire township and a majority of the persons voting on such question in the city or borough shall vote "yes" then the township or part of a township as the case may be shall on the first Monday of January next following be and become a part of the city or borough

All petitions shall be accompanied by a plot or plots of the territory to be annexed showing all streets and highways municipal improvements and public buildings and all petitions for the annexation of a part of a township shall include a description of the part of the township sought to be annexed

Section 2 Until changed in the manner provided by law the township or part of a township if not divided into wards shall constitute a separate new ward of the enlarged city or of the enlarged borough if such borough is at the time divided into wards and if the township or part of a township at the time of the annextaion was divided into wards then each ward of the township or part of a township shall constitute a separate new ward of the enlarged city or borough (if divided into wards) and shall be numbered by the council of the city or borough consecutively beginning with the next highest number after the existing highest numbered ward of the city or borough Until changed in the manner provided by law all election districts in the township or part of a township shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city or borough All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

Section 3 In the case of the annexation of an entire township all the indebtedness of the township as well as the indebtedness of the city or borough to which the same is annexed shall be paid by the city or borough as enlarged by such annexation and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city or borough All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city or borough

All of the public property owned by any such township shall become and remain the public property of the city or borough to which it is annexed

Section 4 Where any part of any township is annexed to any city or borough the township officers of that part of the township not annexed and the city or borough council shall make a just and proper adjustment and apportionment of all public property owned by the township at the time of annexation both real and personal including funds as well as of indebtedness if any to and between the township and the city or borough In mak-

ing such adjustment and apportionment of the property and indebtedness the township and the city or borough shall be entitled respectively to share in a division of the property and indebtedness in the proportion that the assessed valuation of the land remaining in the township bears to the assessed valuation of the land annexed The adjustment and apportionment as made shall be reduced to writing in proper form and duly executed and acknowledged by the proper officials and filed in the office of the clerk of the court of quarter sessions in the county in which said city is located

Section 5 In case the council of the city or borough and the township authorities cannot make such amicable apportionment and adjustment of their property and indebtedness in compliance with this act within six months after any such annexation when the council or any officer of the township may present a petition to the court of quarter sessions of the county in which the city or borough is located whereupon the court shall appoint three disinterested commissioners residents and taxpayers of the county not residing in the city or borough nor in the township who after hearing notice of which shall be given to the city or borough and township interested as the court shall direct shall make report to the court making an apportionment and adjustment of all the property as well as indebtedness if any to and between the city or borough and the township said report to state the amount if any that shall be due and payable from the city or borough to the township or from the township to the city or borough as well as the amount of indebtedness if any that shall be assumed by the city or borough or by the township or both of them

Section 6 The commissioners shall give the city or borough and the township at least five days notice of the filing of their report and unless exceptions are filed thereto by the city or borough or by the township within thirty days after filing thereof the same shall be confirmed by the court absolutely and any sum awarded by said report to the city or borough or to the township shall be a legal and valid claim in its favor against the city or borough or township charged therewith and the amount of debt if any apportioned to any city or borough or township shall be a legal and valid claim against such city or borough or township charged therewith and any property real or personal given and adjudged to the city or broough or the township shall become and be the property of the city or borough or the township to whichever one the same is given and adjudged and upon such report being confirmed such claim or indebtedness charged against any city or borough or against any township may be collected in the same manner as a judgment is collected against any city or borough or township Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties together with their actual necessary expenses All costs and expenses of such proceedings shall be apportioned by the court to and between the city or borough and the township as it shall deem proper

In cast exceptions are filed to the report of such commissioners the court shall dispose of the same taking testimony therein if deemed advisable and the decision of the court thereon shall be final and binding on the several cities boroughs and townships unless an appeal is taken within thirty days to the Superior or Supreme Court as in other cases

Section 7 In cases in which such cities boroughs or townships are situated in two or more counties the court of quarter sessions of the county in which the city or borough is located shall have exclusive jurisdiction over the matter but the same shall be heard by a judge not a resident of either of the judicial districts affected who shall be called to preside specially in the matter and in such case the court shall appoint the commissioners hereinbefore provided for from both or all of such countjes

Section 8 When an election is held on the question of annexation under the provisions of this act and the township proposed to be annexed or in which the territory proposed to be annexed is located votes against such annexation the question of such annexation shall not again be voted upon for a period of two years from the date of such election

Section 9 All proceedings for the annexation of a township or a part of a township to any city or borough under the provisions of any existing laws that are pending and not finally disposed of on the effective date of this act shall in the discretion of the courts before which they are pending or if not pending in any court upon petition of any city borough or township affected to the court of quarter sessions of the county in which the township is located be discontinued and vacated and all proceedings for the annexation of any township or part of a township to any city or borough shall thereafter be had only under the provisions of this act

Section 10 The following acts and parts of acts and their amendments are hereby repealed so far as they relate to the annexation of a township or a part of a township to a city or a borough

The act approved the twenty-eighth day of April one thousand nine hundred and three (Pamphlet Laws 332) entitled "An act for the annexation of any city borough township or part of a township to a contiguous city and providing for the indebtedness of the same"

The act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 473) entitled "An act authorizing the annexation to cities of the second class of portions of townships not exceeding one hundred acres in area and totally surrounded by said cities and providing for the division of the assets and liabilities of said townships"

Article four of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and cosolidating the law relating to boroughs"

Article five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

All other acts and parts of acts inconsistent with or supplied by this act are hereby repealed

Section 11 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 12 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1166, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College is hereby authorized to purchase in the name of the Commonwealth a certain tract of land of about seven acres known as the "Rothwell Tract" in the borough of California Washington County Pennsylvania located on the opposite side of Third Street and the extension of

Third Street from the present property to said college to be used for athletic and recreational purposes

Section 2 Said tract of land when purchased shall be added to the lands o fthe California State Teachers College The deed of conveyance shall be deposited with the Secretary of Internal Affairs

Section 3 The said lands shall not be acquired until the titles thereto have been approved by the Department of Justice

Section 4 The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto including title searches

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1171, as follows:

A Joint Resolution proposing an amendment to Article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section fifteen of Article nine of the Constitution of the Commonwealth of Pennsylvania be amended to read as follows

Section 15 No obligations which have heretofore been issued or which may hereafter be issued for the purpose of providing funds for the construction acquisition extension enlargement and improvement of water works subways underground railways street railways or bus lines or the appurtenances thereof by any county municipality or township other than Philadelphia now or hereafter authorized by law to issue obligations for such purposes shall be considered a debt of such county municipality or township within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment

(a) To the extent to be determined in such manner as may be provided by law that the act revenue derived from said property or properties averaged over the period of five years immediately preceding the acquisition extension enlargement and improvement of said property or properties or for a period of five successive years subsequent to the construction acquisition extension enlargement and improvement of said property or properties shall have been sufficient to meet the interest and sinking fund charges on such obligations or

(b) To the extent that such obligations shall be secured solely by a lien or liens or the property or properties to be constructed acquired extended enlarged and improved without any further liability being imposed on such county municipality or township with respect thereto

No obligations which may hereafter be issued for the purpose of providing funds for the construction acquisition extension enlargement and improvement of sewers or sewage treatment works or both by any county municipality or township other than Philadelphia shall be considered a debt of such county municipality or township within the meaning of section eight article nine of the Constitution of Pennsylvania or of this amendment to the extent that such obligations and the interest thereon rest alone for payment on sewer rentals or charges imposed upon users of the improvement without any further liability being imposed on such county municipal or township with respect thereto

Where any county municipality or township shall issue obligations to provide for ny improvementt as hereinbefore provided it may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said improvement shall have been completed and in operation for a period of one year and in the case of obligations issued in accordance with clause (a) of this section said county municipality or township shall not be required by law to levy a tax to pay said interest and sinking fund charges until after said properties shall have been operated by said county municipality or township during said period of one year

Any county muicipality or township other than Philadelphia authorized by law to issue obligations may incur indebtedness for any of the purposes in this amendment set forth in excess of seven per centum and not exceeding ten per centum of the assessed valuation of taxable property therein if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election in such manner as shall be provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, I call up Senate Bill No. 1074, on second reading, postponed.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1074, entitled:

An Act providing a method of annexation of boroughs to cities of the third class and regulating the proceedings pertaining thereto

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever electors equal to at least ten per centum of the highest vote cast for any office in any borough contiguous to a city of the third class at the last preceding general election shall petition the council of the borough for the annexation of the borough to the contiguous city and for a referendum on the question of such annexation the council shall cause question to be submitted at the primary general or municipal election occurring at least sixty days thereafter [by certifying] or if no such election shall occur within ninety days after the presentation of such petition then at a special election to be called and held as provided by the election laws of this Commonwealth within such period of ninety days The council shall certify a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election both in such borough and in the city of the third class to which annexattion is desired in the manner provided by the election laws of this Commonwealth

Such question shall be in the following form

Do you favor the annexation of the borough of ..... to the city of ..... ?	Yes No	

If a majority of the persons voting on such question in the borough and a majority of the persons voting on such question in the city shall vote "yes" then the borough shall on the first Monday of January next following be and become a part of the city of the third class

Mr. SHAPIRO. Mr. President, I move to amend sec. 1, page 1, line 11 by inserting after the word "the" the following: "primary"; amend section 1, page 1, line 12 by striking out the words: "by certifying" and inserting in lieu thereof: "or if no such election shall occur within ninety days after the presentation of such petition, then at a special election to be called and held as provided by the the election laws of this Commonwealth within such period of ninety days. The council shall certify."

Mr. SIPE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2 Until changed in the manner provided by law the borough if not divided into wards shall constitute a separate new ward of the enlarged city and if the borough at the time of the annexation was divided into wards then each ward of the borough shall constitute a separate new ward of the enlarged city and shall be numbered by the council of the city consecutively beginning with the next highest number after the existing highest numbered ward of the city Until changed in the manner provided by law all election districts in the borough shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

The third to sixth sections inclusive of the bill was read as follows and agreed to.

Section 3 All the indebtedness of the borough annexed to a contiguous city of the third class under the provisions of this act as well as the indebtedness of the city to which the same is annexed shall be paid by the city as enlarged by such annexation and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city

All of the public property owned by any such borough shall become and remain the public property of the city to which it is annexed

Section 4 When an election is held on the question of annexation under the provisions of this act and the borough proposed to be annexed votes against such annexation the question of such annexation shall not again be voted upon for a period of two years from the date of such election

Section 5 The provisions of this act are in addition to and shall not be construed to repeal or affect any of the provisions of article five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

Section 6 This act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to.

An Act providing a method of annexation of boroughs to cities of the third class and regulating the proceedings pertaining thereto

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED

Mr. KUNKEL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 1258, entitled:

An Act to further amend sections five and eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law, and providing for the purchase of samples of drugs for determining their quality, strength, and purity," by providing for annual renewals of the registration of pharmacists and assistant pharmacists.

Which was committed to the Committee on Public Health.

REPORTS FROM COMMITTEES

Mr. WOODWARD. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Welfare, reported as committed, Senate Bill No. 411, entitled:

An Act relating to public assistance, including unemployment relief, mothers' assistance, old age assistance, and pensions for the blind, defining the purposes for which moneys appropriated for unemployment relief may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State officers and departments, county officers, poor directors and courts of common pleas, creating county assistance boards and prescribing their powers and duties and prescribing penalties.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 477, entiled:

An Act to repeal the act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred ninety-two) entitled "An act prohibiting cities, boroughs, towns, and townships to increase or diminish the salary, compensation or emoluments of elected officers after their election."

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 494 (House Bill No. 557), entitled:

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 575 (House Bill No. 602), entitled:

An Act to amend section one thousand one hundred and two of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," empowering directors of departments to appoint persons employed in their departments and assigning the fire department to the department of public safety.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 743, entitled:

An Act to amend sections five, six and twelve of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by providing for a secretary-treasurer in lieu of a secretary, and a vice president of the board; and establishing a method for determining classification of beneficiaries.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1014 (House Bill No. 1358), entitled:

An Act abolishing the Municipal Court of Philadelphia and transferring actions, books, records, documents and papers in the possession of said court to other courts of the County of Philadelphia.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1015 (House Bill No. 1565), entitled:

An Act to amend the act approved the thirteenth day of May one thousand nine hundred and nine (Pamphlet Laws five hundred twenty) entitled "An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" as amended further regulating the adulteration and misbranding of food providing for injunctions against the sale of food in certain cases and changing penalties

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1027 (House Bill No. 872), entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1057 (House Bill No. 1261), entitled:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1062 (House Bill No. 1981), entitled:

An Act to amend the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the Public Health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" further regulating the manufacture importation and sale of such products providing for injunctions and changing the penalties prescribed

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1076, entitled:

An Act to amend section one as amended, and sections two and three of the act approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine), entitled "An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor; and regulating and providing for the regulation of the same," requiring cities to make certain appropriations to the police retirement fund; increasing the maximum payments by members; and generally clarifying the provisions of said act.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1109, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising consolidating, and changing the law relating thereto," providing for the beginning of a revolving fund for street, sidewalk and sewer improvements by funds raised from bond issues.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1110. entitled:

An Act to add subdivision (h) to Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing for a revolving fund for permanent street, sidewalk and sewer improvements.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1111, entitled:

An Act to add subdivision (c) to Article twenty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by providing for a revolving fund for street, sidewalk and sewer improvements.

And said bill having been read at length the first time. Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1112, entitled:

An Act to amend subdivision (i) of Article seventeen of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for a revolving fund for street, sidewalk and sewer improvements.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1114, entitled:

An Act to amend section two hundred two of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the incorporation of boroughs.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1200 (House Bill No. 1693), entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances, regulating the location, construction and use of buildings the size of courts and open spaces, the density of population and the use of land.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1201 (House Bill No. 1732), entitled:

An Act to amend sections three hundred seventy-one and six hundred seventy, section seven hundred thirty-two as amended, sections seven hundred thirty-three, eight hundred seventy-six and eight hundred ninety-six of and to add section seven hundred thirty-seven to the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws, relating thereto," further regulating tax levy bond issues, appropriations and the procedue for rebuilding bridges in such county.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1203 (House Bill No. 1738), entitled:

An Act to amend section five hundred forty-five of the act approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," as amended, providing for the audit of the accounts of justices of the peace.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1207 (House Bill No. 2039), entitled:

An Act to amend section five of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred ninety-nine) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" providing for a referendum vote in certain municipalities in the year 1937 and making persons filing petitions liable for the cost of printing ballots

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1238, entitled:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 1161

The Clerk of the House of Representatives being introduced informed the Senate that the House of Representatives insists upon its amendments, non-concurred in by the Senate to House Bill No. 1161, entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "Fiscal Code," by making further provision for the appointment of mercantile appraisers.

Said bill having been recalled from the Governor for amendment, the votes had on Final Passage and Third Reading were reconsidered, in the House and the bill amended.

Mr. SHAPIRO. Mr. President, I move that the Senate insists upon its non-currence in the amendments made by the House.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 794

He also informed the Senate that the House or Representatives has non-concurred in amendments made by the Senate to House Bill No. 794, entitled:

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "Small Loan Act (Loan Brokers Registration)," enlarging the powers of the Secretary of Banking; authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act.

Mr. SHAPIRO. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to House Bill No. 794

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 49, entitled:

An Act to amend clause one of section one of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

House Bill No. 1712, entitled:

A Supplement to the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy in the presence of the Senate signed the same.

ANNOUNCEMENTS BY THE SECRETARY

The following Committees will meet:

Committee on State Boards will meet Wednesday, May 12th at 9:30 a. m. in Room 265.

Committee on Labor and Industry will meet Wednesday at 3:30 p. m. in Room 400.

Committee on Finance will meet today after adjournment in Room 265.

Committee on Constitutional Changes will meet Wednesday, May 12th, at 9:00 a. m., in Room 265.

Committee on Mines and Mining will meet on Thursday, May 13th, at 11:00 o'clock in Room 302.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn, until twelve o'clock noon tomorrow.

Mr. RUTH. Pr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:54 p. m. until twelve o'clock noon tomorrow, May 12, 1937, Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 11, 1937

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRAIM Z. GALLAHER offered the following prayer:

Our Heavenly Father we thank Thee for the beauty of this day. May we make this day count for something well done. The Psalmist of old, prayer unto Thee, "Teach us to number our days, that we may apply our hearts unto wisdom." Impress us, Lord, that days are only counted, of which we can truthfully say we have applied our hearts unto wisdom.

In Christ's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BRIGERMAN, the further reading was dispensed with and the Journal was approved.

COMMUNICATION

The SPEAKER laid before the House communication addressed to Hon. William P. Gallaher, which was read by the Clerk as follows:

Bay 10th, 1937.

Hon. William P. Gallaher,
Chief Clerk of the House,
Harrisburg, Pennsylvania.

Dear Sir:

There has been transmitted to me a copy of the Resolution of the House of Representatives of Pennsylvania, conveying the sympathy of its members for my family and myself in the death of my sister, Mrs. Anna Frommeyer.

I wish to express to them my sincere gratitude and heartfelt appreciation of their understanding of a great personal loss.

Will you, therefore, be good enough to inform the House of this acknowledgement of their kindness.

Very sincerely,

JOHN B. KELLY,
Secretary of Revenue.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 740. (HOUSE BILL No. 2267).

An Act to re-enact and amend the act approved the tenth day of March, one thousand nine hundred and thirty-seven (Act No. 21) entitled, "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing method for the ascertainment of proper weights and measurements through check-weighmen and check-measurers elected by the miners; imposing duties and liabilities upon operators; and imposing penalties;" clarifying the provisions of said act; providing for the filing of complaints with the court of common pleas and for the procedure thereon; and providing additional penalties.

Referred to the Committee on Mines and Mining.

SENATE BILL No. 759. (HOUSE BILL No. 2268).

An Act to amend sections one, two, seven and nineteen of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred thirteen) entitled, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom, and repealing existing laws.

Referred to the Committee on Labor.

SENATE BILL No. 893. (HOUSE BILL No. 2269).

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulk-heads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

Referred to the Committee on State Boards.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. HOLLAND (Concurrent) RESOLUTION No. 80

Whereas, The prevention and supression of crime, the detection and apprehension of criminals, and the conservation of public safety depend in large measure upon the efficiency and experience of local police officers; and the high cost of crime to the public is caused to a considerable extent by incompetency in new appointments and by constant changes in the personnel of municipal police forces; and

Whereas, The subject of civil service for the members of the police departments of various types of political subdivisions presents a serious problem to the present General Assembly, both in the number of bills introduced and in the variety and lack of uniformity in systems proposed; therefore be it

Resolved (if the Senate concur), That a commission is hereby created which shall consist of six members, three of whom shall be appointed by the President Pro Tempore of the Senate, and three shall be appointed by the Speaker of the House. The commission shall organize, at the call of the President Pro Tempore of the Senate, by electing a chairman, vice-chairman and a secretary The secretary need not be a member of the commission. The members of the commission shall serve without compensation, but shall be reimbursed for all necessary expenses incurred in the discharge of their duties.

It shall be the duty of the commission to study and investigate (a) present systems of civil service applicable to policemen in the various political subdivisions of the State, (b) police civil service systems in other states and counties, (c) the advisability and feasibility of uniform police civil service provisions throughout the State.

The commission shall have power to recommend a tentative plan or plans for the establishment of new or the revision of present police civil service provisions, either uniform throughout the State or in groups of political subdivisions.

The commission shall have power to sit after the adjournment of this session of the General Assembly, and shall make a first report to the General Assembly of the session of one thousand nine hundred and thirty-nine, not later than February first of that year, said report to contain a statement of the progress of its work and such drafts of legislation as it deems necessary to carry into effect the provisions and objectives of this resolution.

The commission shall have power to employ and fix the compensation of such experts, stenographers, and assistants as may be deemed necessary to carry out the work of the commission, but due diligence shall be exercised by the commission to enlist such voluntary assistance as may be available from citizens, research organiza-

tions, and other agencies in Pennsylvania or elsewhere, generally recognized as qualified to aid the commission with information or advice. The Legislative Reference Bureau, the Bureau of Statistics of the Department of Internal Affairs, and other agencies of the Commonwealth, as well as all local governments within the Commonwealth, shall give the commission, on request, such information and assistance as may be reasonably accessible.

Referred to the Committee on Rules.

By MISS BRANCATO (Concurrent)

RESOLUTION No. 81.

In the House of Representatives, May 10, 1937.

Whereas, There is a great need of playgrounds in the City of Philadelphia, particulary in those congested sections of the city, where the children have absolutely no place to play; and

Whereas, This problem of providing playgrounds for the children of Philadelphia is not a new one, but the question has always been, how are we to secure the money for this very worthy purpose; and

Whereas, The truth of the matter seems to be, that those who have controlled the funds which should have been used for this purpose years ago, have simply closed their eyes, their ears and their hearts. They have expressed sympathy, but it has not moved them to action in providing the funds; and

Whereas, Again, to all those who will listen, the voices of the children of Philadelphia are saying: "Please give us a place to play! You don't want us playing in the alleys where the germs fo disease parade and you don't want us in the streets upon the avenues of death—why then don't you give us a place to play and don't say "some other day"; and

Whereas, This appeal is directed to the Council of the City of Philadelphia, and they may say we have not the necessary funds; and

Whereas, This appeal is also directed to the Fairmount Park Commission and the Board of City Trusts, both of which have funds which should be used for the purpose. What is their reply to the children of Philadelphia?; therefore be it

Resolved (if the Senate concur), That the General Assembly of Pennsylvania hereby urges the Fairmount Park Commission and the Board of City Trusts to undertake at once the creation of playgrounds in the congested districts of Philadelphia; and be it further

Resolved, That the Chief Clerk of the House, send copies to the City Council, the Fairmount Park Commission and the Board of City Trusts of Philadelphia.

Referred to the Committee on Welfare.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 185.

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district

HOUSE BILL No. 190.

An Act clauses (i) and (j) of section four clauses (e) (f) and (j) of section two hundred eight and sections three hundred nine and five hundred seven of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties" by providing for certain additional persons to be considered as employers providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who were honorably discharged from such service further defining the qualifications and the method of examining personnel providing a system of promotion for employes in the civil service system further defining the scope of judgments obtained for the collection of employer contributions and extending the jurisdiction of courts of common pleas with respect to summons and subpoenas issued under the act

HOUSE BILL No. 390.

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and prescribing penalties

HOUSE BILL No. 528.

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County

HOUSE BILL No. 1273.

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs, and the government and regulation thereof"; making further regulations for the election of justices of the peace in such consolidated boroughs.

SENATE BILL No. 366.

An Act to amend sections three four six and seven of and to add section 9.1 to the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; by providing for additional projects removing the date by which project must be commenced removing certain restrictions against the construction of projects making such Authority perpetual fixing the quorum of the Authority providing for the leasing of projects by the Authority to the Commonwealth clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling assigning mortgaging or otherwise disposing of

any of the assets belonging to the Authority and clarifying certain provisions of said act

SENATE BILL No. 425.

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties

SENATE BILL No. 640.

An Act to encourage the making and maintaining of agreements concerning wages, hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration, conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. FLANNERY asked leave to withdraw the leave of absence obtained for himself for the remainder of the week.

Mr. John A. Smith asked and obtained leave of absence for Mr. DYSON.

Mr. JIROLANIO asked leave to withdraw leave of absence obtained yesterday.

REPORTS FROM COMMITTEES

Mr. SIMON, from the Committee on Appropriations, reported as committed, House Bill No. 2119, entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims, charges, court costs and other expenses against the Commonwealth for the erection and construction of a reservoir at the State Industrial Home for Women at Muncy, Pennsylvania.

Mr. SIMON, from the Committee on Appropriations, reported as committed, House Bill No. 1563, entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henrietta E. Garrett, Deceased.

Mr. SHEPARD, from the Committee on Aeronautics, reported as committed, House Bill No. 1976, entitled:

An Act requiring registration of all aircraft and airmen using the civil airways and air navigation facilities within the Commonwealth; providing for the application and requirements for registration and the issue of certificates; naming the Secretary of Revenue as agent for service of process; authorizing the adoption of regulations by, and imposing duties upon, the Department of Revenue, and providing for fees, exemptions, penalties, and the jurisdiction of the courts over violators.

Mr. KILROY, from the Committee on Appropriations, reported as committed, House Bill No. 1566, entitled:

An Act making an appropriation to the Department of Welfare for the purchase of materials to be used in making articles required at the State institutions in connection with sewing projects established in Pennsylvania by the Federal Works Administration.

Mr. KILROY, from the Committee on Appropriations, reported as committed, House Bill No. 1147, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed, House Bill No. 2264, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed, House Bill No. 2136, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" requiring medical inspectors to make eye and ear tests annually; providing for the use of scientific apparatus furnished by school districts, and providing for certain instruction in State teachers' colleges, for the appointment of certain experts in the Department of Public Instruction; and making an appropriation.

Mr. FLANNERY, from the Committee on Cities, reported as committed, House Bill No. 2261, entitled:

An Act empowering cities of the third class to liquidate certain indebtedness of volunteer fire companies incurred for the purchase of fire engines or fire apparatus.

Mr. DUBBS, from the Committee on Judiciary General, reported as committed, House Bill No. 1633, entitled:

An Act relating to the recovery of taxes against a registered owner by mortgagees.

Mr. DUBBS, from the Committee on Aeronautics, reported as committed, House Bill No. 1636, entitled:

An Act to amend section six hundred one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto, providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of space; providing for lawfulness of flights; regulating civil causes of action arisnig out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft, and extending certain penalties to owners of aircraft.

Mr. TURNER, from the Committee on Judiciary General, reported as amended, House Bill No. 756, entitled:

An Act to amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 89), entitled "An act granting authority to the courts of common pleas, in the several counties

of this Commonwealth, to issue writs of estrepement to stay waste upon lands sold for taxes, during the time provided for redemption"; by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs' sales under tax or municipal claims.

Mr. SCHROCK, from the Committee on Appropriations, reported as committed, House Bill No. 1983, entitled:

An Act making an appropriation to the Department of Health to carry on the work of sealing abandoned coal mine openings.

Mr. WOOD, from the Committee on Appropriations, reported as committed, House Bill No. 1434, entitled:

An Act making a deficiency appropriation to the Department of Agriculture for reimbursing certain incorporated agricultural associations.

Mr. O'KEEFE, from the Committee on Appropriations, reported as amended, House Bill No. 362, entitled:

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

Mr. JOHN J. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 2117, entitled:

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate taxes erroneously collected or overpaid into the State Trasury.

Mr. JOHN J. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 2263, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Mr. FLANAGAN, from the Committee on Appropriations, reported as amended, House Bill No. 611, entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

Mr. HARKINS, from the Committee on Forestry, reported as committed, House Bill No. 2205, (Senate Bill No. 894), entitled:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State-owned land surrounding said lake for fishing hunting recreational and park purposes.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 2120, (Senate Bill No. 99), entitled:

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred forty-three) entitled as amended "An act relating to the sale of goods and choses in action" by providing for the negotiation of documents of title.

Mr. WAGNER, from the Committee on Cities, reported as committed, House Bill No. 1577, (Senate Bill No. 421), entitled:

An Act to validate indebtedness incurred by cities of the third class for the extension enlargement and improvement of the water-works of such city.

Miss BRANCATO, from the Committee on Cities, reported as committed, House Resolution No. 52.

Mr. SAMUEL A. WEISS, from the Committee on Judiciary General, re-reported as committed, House Bill No. 875, (Senate Bill No. 6), entitled:

An Act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribing the procedure in case of appeal from granting injunctions limiting the duration of temporary and permanent injunctions in case of labor disputes and providing for the payment of costs and repealing all acts or parts of acts inconsistent herewith

Mr. ACHTERMAN, from the Committee on Public Utilities, re-reported as amended, House Bill No. 851, entitled:

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteraton relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations including municipal corporations subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act.

SENATE MESSAGES

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 620.

An Act to authorize cities of the third class boroughs and townships to sue out writs of scire facias on certain municipal claims or to proceed to judgment upon writs of scire facias issued or to revive judgments on such claims where more than five years have elapsed since said claims were filed such writs of scire facias were issued or such judgments were entered or revived and to reduce such claims to judgment or to revive such judgment and providing for the revival and collection of such judgments and the liens thereof

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 794.

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June one thousand nine hundred and fifteen (P. L. 1012) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges thereof requiring the licensing of lenders and prescribing penalties for the violation of this act" enlarging the powers of the Secretary of Banking authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans increasing the penalty for operation without a license and bringing certain transactions within the scope of the act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, by striking out at the beginning of line 2 after the word "four" the word "and"; also same line by inserting after the word "six" the words 'and seven"; also in line 11, by inserting after the word "act" the words "by restricting the business of lending by others than licensed lenders by"; also in line 12 by inserting after the word "Banking" and before the word "authorizing" the words "providing for the refusal or revocation of licenses"; also on page 2 of the title, by inserting in line 3 after the word "loans" the words "extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders"; also in line 4 by striking out after the word "license" the word "and"; also in line 5 by inserting at the end of the line after the word "act" the words "providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties."

Amend section 1, page 3, by striking out at the end of line 9 the word "except"; also at the beginning of line 10 by striking out the words "as authorized by this act"; also on page 4, by striking out in line 11 after the word "applicants" the word "is" and inserting in lieu thereof the word "are"; also same page, line 22, by inserting after the word "upon" the words "the expiration of"; also on page 5, by striking out at the end of line 23 the words "of the date of the hearing"; also at the beginning of line 24 by striking out the words "and by furnishing the licensee with a"; also same line by inserting after the word "notice" the words "to the licensee"; also in line 25 by striking out at the beginning of said line the words "his intentions proceed with the revocation of" and inserting in lieu thereof the words "such intention revoke"; also on page 6, by striking out at the end of line 1 the word "proceed"; also at the beginning of line 2 by striking out the words "with the revocation of" and inserting in lieu thereof the word "revoke"; also by striking out at the end of line 11 the word "has"; also at the beginning of line 12 by striking out the words "expired and"; also at the end of same line by striking out the words "on the first day of June"; also on page 7, by striking out at the end of line 14 the words "person persons firm corporation"; also at the beginning of line 15 by striking out the words "or association so licensed" and inserting in lieu thereof the word "licensee"; also on page 10, by striking out in line 9 the words "by such court as a contempt thereof" and inserting in lieu thereof the words "as for contempt of court"; also in line 13 by striking out after the word "such" the word "relevant"; also in line 29 by striking out the words and figures "[3] two and one-half (2½)" and inserting in lieu thereof the word "three"; also on page 11, by striking out in line 1 the figures "(2½)" and inserting in lieu thereof the figure "3"; also by striking out at the end of line 3 the word "one"; also by striking out at the beginning of line 4 the words and figures "and one-half (1½)" and inserting in lieu thereof the word and figure "two (2)"; also by inserting after the word "balance" in line 5 the following: "In the case of loans made upon the security of tangible personal property physical possession of which is taken by the licensee the licensee shall not charge interest at a rate in excess of such rates as are provided for by the act approved the sixth day of April one thousand nine hundred and thirty-seven Number 51 (Pamphlet Laws) for loans of similar character or the rates provided by this act whichever are the lower provided however that in no event shall the rates charged exceed the rates provided by this act"; also same page, by striking out in line 16 the word "provision" and inserting in lieu thereof the word "provisions."

Amend section 2, page 12, by striking out in line 19 after the word "four" the word "and"; also same line by inserting after the word "six" the words "and seven"; also on page 14 by striking out at the end of line 5 the words "except as authorized by this act"; also in line 8, by inserting after the word "received" the words "except as authorized by this act"; also on page 15 by inserting after line 24 the following paragraph:

"Section 7 This act shall not affect any [existing] laws of this Commonwealth special or general authorizing a charge for the loan of money in exceess of interest at the legal rate And provided That this act shall not apply to any person persons partnership association or corporation operating under the laws relating to banks bank and trust companies trust companies private banks savings banks national banking associations building and loan associations consumers discount companies or pawnbrokers."

Also by inserting thereafter the following new sections:

"Section 3 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional has not been included herein.

Section 4 Effective Date This act shall become effective immediately upon final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. FLINCHBAUGH. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 1161, together with the message from the Senate, which was laid upon the table be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1161.

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency theerof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

Mr. BLACK. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 10, 1937.

Whereas In the tragedy which destroyed the famous Hindenberg at Lakehurst recently, Dr. Birger Brink of Stockholm, Sweden, lost his life; and

Whereas, Dr. Brink was making a hurried trip to America for the purpose of conversing with the Governor of this Commonwealth concerning the Three Hundredth Anniversary of the Swedish Settlement in Pennsylvania, and in order that return connections might be made, Major Camey Vinet had been ordered to fly an aeroplane to Lakehurst and to transport Dr. Brink to Philadelphia, where he was to meet the Governor; therefore be it

Resolved, (if the Senate concur) That the Members of the General Assembly of the Commonwealth of Pennsylvania in recognition of the service Dr. Birger Brink undertook to perform to help to keep alive for the people of Pennsylvania its early Swedish history, record this token of their sincere appreciation, and extend to the grief stricken members of his family their sincere sympathy in the loss they have sustained through this tragedy.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHEPARD asked and obtained permission for the Committee on Legislative Apportionment to meet during the session of the House.

BILLS ON FIRST READING

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 276, entitled:

An Act to amend section one thousand one hundred and four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owner counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by prohibiting the operation of certain commercial motor vehicles trucks tractors trailers and semi-trailers on public highways between certain hours on Sundays and holidays except on routes designated by the Department of Revenue with the approval of the Department fo Highways and prescribing a penalty.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2168, (Senate Bill No. 810), entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh

and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges, and for the purchase and improvement or construction of public highways, bridges, tunnels, subways and underground roads.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

USE OF HALL OF HOUSE GRANTED

Mr. WOODSIDE asked and obtained permission for the Pennsylvania Home Rule Association to hold a meeting in the Hall of the House tomorrow from 12:00 noon until 12:45 p. m.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2114, entitled:

An Act relating to trust indentures deeds of trusts or similar instruments relating to real estate mortgages and interests therein regulating and supervising the appointment creation powers and duties of trustees bondholders' protective committees depositories management companies voting trustees and other persons administering holding in custody or otherwise concerned with real estate mortgages and interests therein imposing certain powers and duties on courts of common pleas and prescribing penalties

The first section was read and agreed to as follows:

Section 1 Purpose and Application of Act It is the purpose of the Legislature in enacting this act to provide for the regulation and supervision of the appointment creation agreements acts conduct practices and proceedings of trustees bondholders' protective committees depositories management companies voting trustees and other persons administering holding in custody or otherwise concerned with real estate mortgages and interests therein to the end that such interests will be properly conserved administered and ultimately liquidated in the public interest This act except as otherwise expressly provided shall apply to the extent that the Commonwealth has power to provide therefor to all mortgage investments as hereinafter defined where the property constituting the underlying security therefor or any part thereor is located within the Commonwealth or where the trustee committee depository management company voting trustee or other person administering holding in custody or otherwise concerned with such investments has an office for the transaction of business with respect thereto within the Commonwealth or has obtained authority to do business in this Commonwealth

The second section was read as follows:

Section 2 Definitions As used in this act unless the context requires otherwise

(1) "Bondholder" shall mean and include any person partnership association or corporation owning or holding a mortgage investment

(2) "Committee' shall mean and include a person or group of persons however known or designated appointed by agreement assignment proxy consent authorization power of attorney or other similar instrument to act as an agency to receive and hold mortgage investments deposited by bondholders and to administer or do any act in respect to the same for the bondholders

(3) "Court" unless some other court has jurisdiction over the property or a plan of reorganization therefor shall mean the court of common pleas of the county in which the property or the major portion thereof is located or if the property be located outside the Commonwealth in the county of the Commonwealth in which the committee trustee or other person dealing with the mortgage investment has or proposes to have his principal office for the transaction of business with respect to such mortgage investment

(4) "Deposit agreement" shall include any agreement assignment proxy consent authorization power of attorney or other similar instrument whereby a mortgage investment is deposited with or assigned to a committee

(5) "Depository" shall mean and include any person partnership association or corporation designated in any trust indenture deed of trust or deposit agreement as the custodian or depository or mortgage investments

(6) "Mortgage investments" shall mean and include any and all shares and interests heretofore or hereafter acquired in an issue of bonds notes or other evidence of indebtedness of individuals partnerships associations or corporations held by more than one person and secured by a mortgage or mortgages upon real property or by a deed or deeds of trust trust indenture or indentures or other evidence of interest in real property the payment of which is not guaranteed by any title and mortgage guaranty corporation or investment company and shall include certificates of deposit issued by or on behalf of a bondholders' protective committee or similar group and also any bonds notes or other evidences of indebtedness taken in lieu of such real property by foreclosure or otherwise but shall not include industrial securities The term "industrial securities" shall be construed to mean the bonds debentures notes or other evidences of indebtedness of individuals partnerships associations or corporations not engaged in the business of owning improving or operating real property but whose ownership of such real property shall be merely incidental to the operation and conduct of its business and which real property shall be used as incidental and additional security for such bonds notes debentures or other evidences of indebtedness

(7) "Property" shall mean and include all the real property and any incidental personal property constituting the underlying security for mortgage investments

(8) "Trustee" shall mean and include any person partnership association or corporation named appointed or designated as such in any deed of trust indenture or other similar intrument or any successor of such trustee

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 3, line 29, by striking out the following: "the payment"

Amend sec. 2, page 4, lines 1 and 2, by striking out the following: all of line 1, and "guaranty corporation or investment company" in line 2.

Amend sec. 2, page 4, lines 7 to 16, by striking out the following: "but shall not include industrial securities. The" in line 7. and all of lines 8 to 16, both inclusive.

On the question.

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 Trust Indentures No trustee shall hereafter accept a trust under any trust indenture or mortgage within the contemplation of this act or act as trustee thereunder unless the instrument creating the trust shall contain the following provisions among others which confer upon him the following powers and imposes upon him the following duties

(1) To receive and collect directly and without the intervention or assistance of any fiscal agent or other

intermediary all payments of moneys required to be made and paid under such instrument and to disburse the same pursuant to the terms thereof

(2) To act as tax withholding agent and to receive collect and pay the necessary tax and hold the surplus if any in trust for the rightful owner thereof

(3) In the event of a default in the payment or deposit of interest amortization sinking fund requirements taxes assessments or principal (without any request from the bondholders or any of them) with due diligence prudence and care and in his discretion

(a) To take such action as may be necessary or proper to sequester the rents and income of the property

(b) To procure from the owner of the property an assignment of rents or a consent to enter into possession of the property and to collect the rents therefrom or both or

(c) To apply to the court for the appointment of a receiver of the rents and income of the property

(d) To declare due and payable forthwith any principal amount remaining due and unpaid and commence an action of foreclosure

(e) To apply the moneys received as rents and income from the property as well as moneys received by the trustee from any receiver appointed for such property in his discretion to the maintenance and operation of such property the payment of taxes water rents and assessments levied thereon and any arrears thereof to the payment of underlying liens and to the creation and maintenance of a reserve or sinking fund and after the commencement of an action to foreclose the mortgage on such property to distribute ratably among the bondholders any moneys remaining in his hands

(f) To render annually to bondholders after the occurrence of a default unless such default be previously cured a summarized statement of income and expenditures in connection with the property

(4) To permit the obligor or other person in possession or control of the property or his successors in interest to be free to select the insurance broker or agent through whom any insurance of any kind is to be placed or written on any property affected or covered by a mortgage held by such trustee

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 3, page 5, line 8, by inserting after the word "agent" the following: "for the Commonwealth"

Amend sec. 3, page 6, line 4, by striking out the following: "or sinking"

Amend sec. 3, page 6, line 6, by inserting after the word "bondholders" the following: "or apply to the court for direction as to the disposition of"

Amend sec. 3, page 6, by inserting between lines 17 and 18 the following: "(5) In any trust indenture or any mortgage hereafter made and executed, to require that the mortgagor shall deposit with the trustee a sum equal to two per centum of the mortgage debt. Said sum or so much thereof as shall be necessary may be applied by the trustee to the payment of all necessary expenses in the event of any default in the payment or deposit of interest, amortization, sinking fund requirements, taxes, assessments, or principal. All interest received on said sum prior to default shall be paid by the trustee upon receipt thereof to the mortgagor. Said sum or so much thereof as shall not have been expended in accordance with the provisions of this clause shall be returned to the mortgagor upon the payment of the mortgage debt."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read and agreed to as follows:

Section 4 Restrictions on Trustees (1) No trustee shall accept a trust or act as trustee under a trust mortgage affecting any property in which he or any of the officers or directors of the trustee shall have directly or indirectly any financial interest

(2) No trustee nor any officer or director of a trustee nor any employe of any company which is a subsidiary of controlled by or affiliated with the trustee shall either directly or indirectly act as insurance broker or agent in connection with the placing or writing of any insurance of any kind on any property affected or covered by a mortgage held by such trustee under a trust indenture deed of trust or other similar instrument nor shall such trustee be an officer director partner or employe of or otherwise connected with or have any financial interest in directly or indirectly any firm agency business association or corporation that shall act as broker or agent in connection with the placing or writing of such insurance nor shall any trustee or any officer director or employe of the trustee be an officer director partner or an employe of or have any finanancial interest in any trustee as his or its representative or agent in the management or supervision of or the collection of rents and income from any property affected or covered by the mortgage held by the trustee under a trust indenture deed of trust or other similar instrument

(3) No trustee shall accept any trust or act as trustee under any other trust indenture covering or affecting the same property

(4) No owner or mortgagor of any property covered by a trust indenture deed of trust or other similar instrument and no officer director stockholder or employe of such owner or mortgagor shall accept a trust or act as trustee with respect to such property

(5) The provisions of this section shall only apply to trust indentures or mortgages hereafter entered into except that trustees under trust indentures or mortgages heretofore entered into shall be bound by the provisions of this section as to any future acts or interests hereafter acquired

The fifth section was read as follows:

Section 5 Minimum Bid of Trustee at Sale on Foreclosure to be Fixed by Court Notwithstanding any inconsistent provision of law on application for judgment of foreclosure and sale in an action brought to foreclose a trust indenture deed of trust or mortgage upon real property or in any execution sale on a judgment entered on any obligations secured by such mortgage except where a plan of reorganization shall have been consented to by one hundred per centum of all the bondholders or where a sum at which the trustee shall bid for the property has been set forth in a plan of reorganization and approved by the court in a proceeding for the reorganization of the property covered by trust indenture in the manner provided by law the court shall determine what is a fair upset price below which the property shall not be sold and the judgment directing the foreclosure and sale shall fix the minimum price which the trustee or his agent or nominee shall bid for the property

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment wlil be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 5, page 8, line 20, by inserting after the word "property" the following: "Provided, That the court may in lieu of fixing a fair upset price in advance of any such sale, require, as a condition to the validity of such

sale, that the price bid at such sale shall be approved by the court as fair and adequate."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth to the eighth sections inclusive were separately read and agreed to as follows:

Section 6 Deposit Agreements (1) No deposit agreement hereafter made and executed shall be valid or binding which does not set forth the following provisions for the protection of the bondholders

(a) That the fees of the members of the committee the assignee or the other person or persons to whom the deposit agreement was given as the case may be shall be reasonable and subject to the approval of the court

(b) That the deposit agreement may not be amended without the approval of the court

(c) That the mortgage investments deposited thereunder may not be sold pledged or otherwise disposed of without the unanimous consent of the depositing bondholders or in lieu thereof the approval of the court

(2) No deposit agreement hereafter made and executed shall be valid or binding or confer any rights whatever upon any member of a committee assignee or other person to whom the agreement is given who has any financial interest directly or indirectly in the depository named or to be named by such committee assignee or other person and no person shall hereafter act for a bondholder or a deposit agreement who has such an interest

Section 7 Restrictions on Comittees No sale of mortgage investments by a committee shall be valid unless the fairness of the price received at such sale shall have first been approved by the court except that where an action to foreclose a mortgage on the property is pending the application to pass upon the fairness of such price shall be determined by the court in which such action is pending The hearing upon such application shall be held at such time and place and upon such notice to the depositing bondholders as the court shall direct

Section 8 Managing Agents and Management Companies (1) A person partnership association or corporation appointed designated or employed to manage supervise lease collect rents or to act in any other way with respect to the operation and maintenance of property shall be required to give a surety bond approved by the court as to form and sufficiency in a sum equivalent to at least the gross rental or income of the property for the three months immediately preceding the appointment designation or employment running to the trustee if employed by the trustee before or after a default has occurred and before a reorganization has been effected and thereafter to the person or corporation acquiring the title to the property for the benefit of the bondholders conditioned upon the faithful performance of his or its duties and the due accounting for all moneys received by him or it during the course of his or its employment

(2) No trustee or committee shall employ as a managing agent any management company or corporation any of whose officers directors or stockholders are also officers directors or employes of the trustee or members or employes of the committee

(3) No voting trustee officer or director of a corporation acquiring the title to property in or through a reorganization of such property and no corporation of which he shall be an officer director or stockholder shall be employed as a managing agent for the reorganized property except with the approval of the persons owning or holding at least fifty-one per centum of the securities issued by the reorganized company

The ninth section was read as folows:

Section 9 Voting Trustees and Voting Trust Agreements (1) No trustee or member of a committee or the attorney of such trustee or committee or any employe of either shall be eligible to become a voting trustee or an officer or director of a corporation to be formed or used under a plan of reorganization to acquire title to property previously administered by such trustee or committee unless the facts with respect to their previous connection with the property are disclosed to the court and the affirmative approval of the holders of at least fifty-one per centum of the mortgage investments is obtained or unless a plan of reorganization approved by the court in proceedings in the manner provided by law shall so provide

(2) No agreement appointing trustees to vote the stock of any corporation formed or used under a plan of reorganization of property shall be valid for a longer term than five years and unless it has been submitted to and approved by the court and no trustees appointed by such agreement shall continue to act thereunder after the expiration of its term unless and until a new or an extension agreement has been entered into at least fifty-one per centum of the stock

(3) No salary or other compensation shall be paid to any voting trustee or any officer or director of a corporation formed or used to acquire the title to property in or through reorganization unless the same has been approved by the court

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk

The amendment was read by the Clerk as follows:

Amend sec. 9, page 11, line 22, by inserting after the word "compensation" the following: "in excess to two hundred and fifty dollars ($250) per annum".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth section was read as follows:

Section 10 Fees and Allowances In the event of a default in a trust indenture necessitating the sequestration of the rents and income of the property covered thereby and where the trustee or committee or other person or persons representing the bondholders is or are lawfully in possession of the property and they or their attorneys if any shall have rendered services in connection with the property at any time after default no fees or allowances shall be paid for such services unless and until affidavits showing the value thereof have been presented to the court or justice thereof and such court or justice has approved the same and such fees and allowances if approved shall be paid in such manner and at such times as the court or justice shall direct

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 10, page 12, lines 6 to 8, by striking out the following: 'affidavits" in line 6, all of line 7, and "court or a justice thereof and such court or justice" in line 8, and inserting in lieu thereof: "the court."

Amend sec. 10, page 12, line 11, by striking out the following: "or justice"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Sections 11 to 17, inclusive, and the title were separately read and agreed to as follows:

Section 11 Removal of Trustees Committees or Depositories A trustee committee or any member thereof and a depository may be removed by the court for cause shown upon the application of any person aggrieved by the act or omission to act of such trustee committee member or depository after such notice and opportunity to be heard in his or its defense as the court shall direct

Section 12 Actions for Accounting by Minority Groups Expenses Thereof In any special proceeding or action brought by or on behalf of any minority bondholder or group of minority bondholders or any person or group of persons not holding at least fifty-one per centum of the stock or bonds of the mortgage issue but claiming an interest in the trust property for a judicial accounting the court may take into consideration the information as to income and disbursements theretofore furnished to bondholders the merits and good faith of the proceeding or section and whether the accounting will be of value to the bondholders as well as the cost of such accounting and the court may require that the petitioner or plaintiff furnish a surety company bond to indemnity the estate against the expenses of the accounting including fees of the referee to take the accounting stenographic fees and the expenses of the trustee and may direct that if it should appear that the accounting result in any practical benefit to all the bondholders the court should then in its discretion release the indemnity and that if no such benefit accrue the petitioner or plaintiff and his attorney should receive no compensation and the trust fund should be reimbursed for the expenses saddled upon it by reason thereof

Section 13 Violations and Penalties The wilful violation of any provision of this act except section two shall constitute a misdemeanor and shall be punishable by a fine of not exceeding one thousand dollars or by imprisonment for not exceeding one year or by both such fine and imprisonment in the discretion of the court

Section 14 Construction of Act This act shall be construed liberally to effectuate its purpose The enumeration by this act of specific powers and duties in trust indentures and other instruments shall not preclude or prevent the use exercise or enjoyment of additional powers and duties under or pursuant to such instruments or excuse the failure to exercise or perform such other powers or duties Nothing contained in this act shall be construed to repeal any other provision of law except in so far as it is irreconcilably in conflict with a provision of this act in which event the latter shall control

Section 15 Right to Appeal Any person aggrieved by any determination hereunder shall have such right of appeal as is granted to a party to a special proceeding All proceedings and appeals hereunder shall be entitled to such preference as is granted in respect to plans of reorganization under the provisions of this act

Section 16 Separability The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 17 Effective Date This act shall become effective immediately upon its final enactment

An Act relating to trust indentures deeds of trust or similar instruments relating to real estate mortgages and interest therein regulating and supervising the appointment creation powers and duties of trustees bondholders' protective committees depositories management companies voting trustees and other persons administering holding in custody or otherwise concerned with real estate mortgages and interests therein imposing certain powers and duties on courts common pleas and prescribing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1963 as follows:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter whenever any oil or gas well is drilled within this Commonwealth to a depth of more than two thousand five hundred feet and more than two thousand feet from a well previously recorded and reported to the Department of Internal Affairs as hereinafter provided the owner thereof shall send to said department for the use of the Topographic and Geologic Survey a typewritten or printed or partially printed and partially written record showing the name of the owner and of the person who drilled the well the location of said well or the surface of the ground showing the name of the county and township within which drilled and the distance and direction from the nearest known point easily described on a property line stream public highway or municipal boundary and farm boundary and also the distance and direction from the nearest oil or gas well known to the owner The report shall show the elevation above sea level of the ground level at the top of said well and state how the same was determined The report shall show the depth below the surface as nearly as can be determined of each coal sand or limestone formation encountered and the thickness thereof by depths to the top and bottom and also any oil gas or water encountered therein and the approximate volume thereof In the case of wells over four thousand feet deep the department shall be notified in writing of the location and time of commencement of such wells before commencement thereof and reasonable samples shall be furnished the department of any sands encountered when the department shall notify the owner of its desire for such samples and furnish suitable bags packages or containers for the saving and shipping of such samples before such sands are encountered

Section 2 All such reports shall be certified by one of the owners of said well or a duly designated official in case of a corporate owner to be true and correct to the best of his or her knowledge and belief and shall be accompanied by a filing fee of five dollars payable to the Department of Internal Affairs which fee shall be used for the copying filing preserving and mapping of said records and preparing forms for such records and for providing containers and transportation and storage facilities for samples when requested of well owners and for the mapping locations of said wells

The Department of Internal Affairs shall prepare and make available forms for the purpose of furnishing said records to the department at a fee of not to exceed five cents per copy

The Department of Internal Affairs shall file and preserve all such records for a period of at least twenty years from the date received

Section 3 For a period of ninety days from the receipt of any such record the same shall be kept secret and revealed to no other persons whatsoever but after ninety days from the date of the receipt thereof typewritten copies or printed and written copies shall be furnished to any person requesting the same in writing upon payment of a fee of twenty-five cents for records of wells less than three thousand feet deep and of twenty-five cents additional or each additional thousand

feet of well depth covered by such record The fees so paid shall be used to pay for the preparation copying preserving and mailing of such records and if insufficient may be increased by order of the Secretary of the Department not to exceed double the amounts hereinbefore set forth

Section 4 Any person firm or corporation who or which shall drill any well more than four thousand feet in depth who shall fail to notify the Department of Internal Affairs before it shall commence to drill the same or who or which shall fail to file a record of any well as herein required shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five dollars and costs

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 524, entitled:

An Act to amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1108) entitled "An act providing for the appointment promotion reduction removal and re-instatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" by providing for preferences to veterans in the appointment of such officers firemen operators and inspectors

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" is hereby amended to read as follows

Section 9 All applicants for any position in the fire department and as fire alarm operators and fire box inspectors in the bureau of electricity shall undergo a physical examination which shall be conducted under the supervision of a commission composed of doctors of medicine appointed for that purpose by the mayor Said commission shall certify that an applicant is free from any bodily or mental defects deformity or diseases that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations No application will be received if the person applying is less than twenty-one years of age or more than thirty-five years of age at the date of his application Provided however That in event any applicant has formerly served in the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity of the city to which he makes application for a period of more than six months and no charges of misconduct or other misfeasance were made against such applicant within a period of two years next preceding the date of his application and is a resident of the city then such person shall be eligible for re-instatement in the discretion of the civil service commission even though such applicant shall be over the age of thirty-five years Such applicant providing his former term of service so justifies may be re-appointed to the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity without examination other than a physical examination If such person is re-instated he shall be the lowest in rank in the department next above the probationers of the department

Provided further That in event any applicant is an honorably discharged soldier sailor or marine who served in the Army or Navy of the United States during time of war then the applicant shall be received and the appointment may be made without regard to any age limitation herein provided or that may be provided in the rules and regulations of said civil service board or commission and that among those persons possessing qualifications and eligibilty for appointment preference in appointment shall be given by the appointing power to all honorable discharged soldiers sailors or marines who served in the Army or Navy of the United States during times of war notwithstanding the fact that the names of such soldiers sailors and marines may not be among the three names standing highest upon the eligible lists as hereinbefore provided

Provided further That when any person who was engaged in the military or naval service of the United States during any war in which the United States engaged and has an honorable discharge therefrom shall take any examination for appointment or promotion his examination shall be marked or graded five per centum perfect before the quality or contents of the examination shall be considered and if any such person shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required When the examination of any such person is completed and graded such grading or percentage as the examination merits shall be added to the aforesaid five or ten per centum as the case may be and such total mark or grade shall represent the final grade or classification of such person

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FLANNERY. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study and amendment.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. GORSKI and Mr. McCULLOUGH and were as follows:

YEAS—17

Aukerman,	Flannery,	McDermott,	Shaw,
Bierly,	Haberlen,	McElroy,	Shea,
Broad,	Hagerty,	O'Keefe,	Toole,
Brown,	Hamilton, R. S.,	Patterson, C. S.,	Tronzo,
Davies,	Hontz,		

NAYS—119

Achterman,	Habbyshaw,	Marino,	Siegel,
Allmond,	Hall,	Matthews, J. F.,	Sloan,
Baine,	Hamilton, F. P.,	McArdle,	Smith, James A.,
Baker, F. T.,	Harkins,	McCullough,	Snyder,
Balthaser,	Harmuth,	McFall,	Sollenberger,
Blank,	Hays,	McGee,	Sproul,
Boltz,	Hering,	McKinney,	Stackpole,
Boose,	Hess,	McShane,	Stewart,
Boyer,	Hetrick,	Merrell,	Terry,
Bradley,	Hindman,	Mihm,	Thomas,
Brancato,	Hirsch,	Mooney,	Trout,
Caputo,	Holland,	Moran,	Tumelty,
Chervenak,	Holmes,	Muir,	Turner,
Coolahan,	Holstrom,	Murrin,	VanAllsburg,
Corrigan,	Horting,	O'Brien,	Vogt,
Costanzo,	Huntley,	O'Connor,	Wagner,
Decker,	Imbrie,	Perry,	Wall,
DeNote,	Kane,	Pershing,	Walsh,
Dickinson,	Kelso,	Piole,	Watkins,
Dougherty,	Kilroy,	Readinger,	Webster,
Dubbs,	Kline,	Reese,	Weidemann,

Eckels,	LaRue,	Reising,	Weiss, D. H.,
Elpern,	Leisey,	Richter,	Weiss, S. A.,
Finnerty,	Levy,	Robinson,	Welliver,
Fitch,	Lewis,	Rothenberger,	Welsh,
Flanagan,	Long,	Ruffennach,	Wilson,
Flinchbaugh,	Lopresti,	Schrock,	Wood,
Ganser,	Lovett,	Schumacher,	Woodside,
Gillette,	Lyons,	Serrill,	Yanoshat,
Gorski,	Mallen,	Shugarts,	Furman,

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1108) entitled "An act providing for the appointment promotion reduction removal and re-instatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricit yin cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties' by providing for preferences to veterans in the appointment of such officers firemen operators and inspectors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 525, as follows:

An Act to amend clause A of section three hundred two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bring of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with the transactions in such beverages by licensees and others making disposition of the receippts from States stores and of fees and imposing penalties" as re-enacted and amended providing further preferences to veterans in civil service examinations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asembly met and it is hereby enacted by the authority of the same That clause A of section three hundred two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding imporation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transaction in such beverages by licensees and others making disposition of the receipts from State stores and of fees imposing penalties" as re-enacted and amended by the act approved the eighteenth day of July one thousand nine hundred and thiry-five (Pamphlet Laws 1246) is hereby further amended to read as follows

Section 302 Selection of Personnel A No officer or employe shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officers or employes engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shall be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to to furnish a photograph of himself or herself and that no application blank shall require the color religion or political affiliation of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examinations shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established The examination papers of such candidates shall be marked by committees composed of representatives of the department and of persons not employed by the Comonwealth in any other capacity designated by the presidents of the colleges and universities receiving State aid from the Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required When such person shall qualify for appointment

then the same may be made without regard to any age limitation that may be provided When such person shall qualify for appointment or is delcared eligible therefor then preference in appointment shall be given by the appointing power notwithstanding the fact that such person may not be among the names standing highest upon the eligible list

All such outside examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committees which may be necessary shall be determined by the depratment and each committee shall consist of three persons The selections made by the presidents of State-aided colleges and universities shall be submitted to the department in writing by each such president and the department shal designate committee members from the lists so submitted in rotation

Except as hereinafter provided all offices places and employments in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who have satisfactorily passed the examinations The persons receiving the highest grade shall be first appointed and so on

If a list of eligibles certified by the Department of Public Instruction is available for any position another examination shal not be given until after the expiration of twelve months from the date of the last examination for that position Such subsequent examination may be held in the discretion of the board at any time after the expiration of such twelve month period and when such subsequent examination has been held and the list therefrom duly certified by the Department of Public Instruction the previous list shall expire and no further appointment shall be made from such previous list Provided that when a position is to be filled by appointment from a list of eligibles and a list of persons eligible for appointment to such position is not available examinations to such position is not available examinations shall be held for that position at the earliest convenient date after the vacancy occurs

And said bill having been read at length the second time, and agreed to

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. HARMUTH asked and obtained permission for the Committee on Boroughs to meet during the session of the House.

Mr. TURNER asked and obtained permission to hold a caucus of the Republican members during the session of the House.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 523 as follows:

An Act to amend section two of the act approved the eleventh day of May one thousand nine hundred and twenty-three (Pamphlet Laws 203) entitled "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged and having an honorable discharge therefrom shall receive credit for the experience and training derived from such service in civil service examinations" by giving such persons certain additional preferences in civil service examinations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the eleventh day of May one thousand nine hundred and twenty-three (Pamphlet Laws 203) entitled "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged and having an honorable discharge therefrom shall receive credit for the experience and training derived from such service in civil service examinations" is hereby amended to read as follows

Section 2 When any such person shall take any examination for appointment or promotion in the civil service of any department bureau board commission or other division of the State Government or of any of the various municipal agencies within this Commonwealth as required by any existing law or any law which may hereafter be enacted such person's examination shall be marked or graded [fifteen] five per centum perfect before the quality or contents of the examination shall be considered and if any such person shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required When the examination of any such person is completed and graded such grading or percentage as the examination merits shall be added to the aforesaid [fifteen] five or ten per centum as the case may be and such total mark or grade shall represent the final grade or classification of such person [and shall determine his or her order of standing on the eligible list]

When such person shall qualify for appointment then the same may be made without regard to any age limitation that may be provided in the rules and regulations of such civil service board or commission

When such person shall qualify for appointment or is declared eligible therefor then preference in appointment shall be given by the appointing power notwithstanding the fact that such person may not be amoung the names standing highest upon the eligible list

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1767 as follows:

An Act to amend section one of the act approved the thirtieth day of April one thousand nine hundred twenty-nine (Pamphlet Laws eight hundred seventy-four) entitled "An act relating to judicial sales and sales upon writs of execution or otherwise and preserving the lien of mortgages on real estate other than upon unseated lands" by exempting liens for State taxes from the provisions of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of April one thousand nine hundred twenty-nine (Pamphlet Laws eight hundred seventy-four) entitled "An act relating to judicial sales and sales upon writs of execution or otherwise and preserving the lien of mortgages on estate other than upon unseated lands" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when the lien of a mortgage upon real estate is or shall be prior to all other liens upon the same property except other mortgages ground rents and purchase money due the Commonwealth and except taxes municipal claims and assessments not at the date of said mortgage duly entered as a lien in the office of the prothonotary of the proper county and except taxes other than State taxes municipal claims and

assessments whose lien though afterwards accruing has by law priority given it the lien of such mortgage shall not be destroyed or in anywise affected by any judicial sale or other sale whatsoever except as hereinafter stated whether such sale be made by virtue or authority of any order or decree of any orphans' or other court or of any writ of execution or otherwise howsoever Provided That this section shall not apply to cases of mortgages upon unseated lands or sales of the same for taxes Provided also That a judicial or other sale in proceedings under a prior ground rent or upon a prior State tax lien or in foreclosure of a prior mortgage shall discharge a mortgage later in lien And provided further That sales of land may be made in pursuance of an order or decree of the orphans' court free and discharged from the lien of mortgages as provided in section sixteen (o) of the Fiduciaries Act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemption debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. DAVID H. WEISS, from the Committee on Cities, reported as committed, House Bill No. 2038, entitled:

An Act to further amend the second paragraph of section one of article one of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," by providing that the mayor shall receive no compensation other than his salary for acting as justice of the peace.

Mr. DAVID H. WEISS, from the Committee on Cities, reported as amended, House Bill No. 1163, entitled:

An Act to amend section two thousand five hundred and fifty-six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto"; as amended providing for the sharing by the city, county and school district of the cost of equipment needed by the tax collector.

Mr. DUBBS, from the Committee on Judiciary General, reported as amended, House Bill No. 1832, entitled:

An Act to amend section three of the act, approved the eighteenth day of April, one thousand nine hundred and nineteen (P. L. 70), entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check, draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn," by providing for the admission in evidence of the protest of non-payment of checks, drafts and orders.

RESOLUTION

Mr. FALKENSTEIN offered a resolution which was filed with the Clerk under the Rules.

SPECIAL ORDER OF HOUSE BILL No. 2860

The SPEAKER. The Chair lays before the House the special order of business on third reading and final passage fixed for this time, House Bill No. 286, Printer's No. 870.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 286, as follows:

An Act regulating horse racing with wagering on the results thereof providing for the licensing of race tracks race horse owners riders trainers stewards and officials for such racing imposing license fees creating a departmental administrative commission within the Department of Agriculture for the administration of this act requiring the revenues accruing under this act to be deposited in a special fund in the State treasury and appropriating the moneys in such funds imposing penalties and repealing inconsistent legislation

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Short Title and Preliminary Provisions

Section 1 Short Title This act shall be known and may be cited as "Pennsylvania Racing Law"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" A partnership limited partnership or any form of unincorporated enterprise owned or operated by two or more persons

"Commission" The Pennsylvania Racing Commission

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

Section 3 Interpretation of Act (a) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(b) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(c) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular

shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

Pennsylvania Racing Commission

Section 201 Commission Created A departmental administrative commission within the Department of Agriculture to be known as the "Pennsylvania Racing Commission" is hereby created The commission shall consist of three members to be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate Of the original members one shall be appointed for a term of two years one for a term of four years and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified Thereafter all appointments shall be for terms of six years or until successors are appointed and qualified Each member of the commission shall receive an annual salary of five thousand dollars ($5,000) and the chairman shall receive one thousand dollars ($1,000) in addition to the regular salary

Section 202 Qualifications of Commissioners Each member of the commission at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least two years next preceding his appointment and shall be not less than thirty years of age No member of the commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

Section 203 Chairman Quorum The commission shall elect one of its members as chairman The chairman shall when present preside at all meetings and in his absence a member designated by the chairman shall preside Two members of the commission shall constitute a quorum and any action or order of the commission shall require the approval of at least two members

Section 204 Secretary The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The secretary shall have the power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Section 205 Fidelity Bonds Each member of the commission and the secretary shall file with the State Treasurer a surety bond in the sum of not less than ten thousand dollars ($10,000) and every other person appointed to any office by the commission shall upon entering upon his duties likewise file a surety bond in the sum of not less than two thousand dollars ($2,000) Such bonds shall be payable to the Commonwealth of Pennsylvania shall have as surety a duly authorized surety company or two individuals to be approved by the Department of Justice and shall be conditioned for the faithful performance of the members' secretary's or employes' duties imposed by law or by lawful authority and that the person bonded will not knowingly violate or permit ot be violated the provisions of this act The cost of such bond shall be borne by the commission as part of its operating expense

Section 206 Commission Subject to Administrative Code Except as otherwise expressly provided by law the commission shall be within the Department of Agriculture and shall be subject tc all the provisions of The Administrative Code of one thousand nine hundred and twenty-nine as amended which apply generally to departmental administrative boards and commissions

ARTICLE III

General Powers and Duties of the Commission

Section 301 Regulation of Horse Racing with Wagering The commission shall have the power and its duty shall be to supervise and regulate every person who shall hereafter hold or conduct any meeting within this Commonwealth at which horse racing with wagering on the results thereof shall be permitted and to supervise and regulate every such race meeting and each and everything having to do with the operation thereof This power shall include the power to approve or disapprove the dates on which race meetings shall be held on race tracks licensed under the provisions of this act

Section 302 Rules and Regulations The commission shall have power to prescribe rules regulations and conditions under which all horse races upon the results of which there shall be wagering shall be conducted within this Commonwealth It shall make rules governing permitting and regulating mutual wagering on horse races under the system as the pari-mutual or mutual method of wagering which shall be conducted only within the enclosure of a licensed track and on a date upon which racing at such track has been approved by the commission

Section 303 Enforcement of this act The commission shall in every respect be responsible for the administration and enforcement of this act

Section 304 Races between Pennsylvania Bred Horses Steeplechases To encourage the breeding of horses in this Commonwealth the commission shall require that three per centum of the first money of every purse won by a horse bred in Pennsylvania shall be paid to the breeder of such animal and that unless on any day sufficient competition cannot be had every licensed track shall run at least one race each racing day which shall be limited to horses foaled in Pennsylvania and at least one steeple chase each racing day

ARTICLE IV

Licenses and License Fees

Section 401 Track Licenses (a) The commission shall have the power to grant licenses to conduct horse race meetings in accordance with the provisions of this act at such places within this Commonwealth as the commission shall determine in accordance with the provisions of this section No such license shall be transferable nor shall it apply to any place track or enclosure except that specified in the license Licenses hereunder shall be classified according to the track where the race meeting is to be held

(b) Class A tracks of which there shall be not more than three approved by the commission and shall be not less than a mile in circumference or length The commission shall not issue any Class A license to conduct a horse race meeting at any place within one hundred miles of any other place for which a Class A license has previously been issued except that a temporary license to be known as a "Fair or Hunt Club License" may be issued for a period not exceeding one week in any one county during any one year permitting the license to conduct a horse race meeting under the provisions of this act at any regular county fair or hunt club within this Commonwealth

(c) Class A licenses shall be valid for a period of ten years unless sooner revoked by the commission for cause as hereinafter in this article provided

(d) Every application for a Class A license shall be accompanied by a certified check in the amount of twenty-five thousand dollars drawn to the order of the State Treasury which shall be transmitted by the commission to the Department of Revenue to be deposited in the State Treasury immediately if and when a license is granted to the applicant

In the event that an application is refused the certified check accompanying the application shall be returned to the applicant

(e) Applications for "Fair and Hunt Club Licenses" shall be made as for Class A tracks except that no deposit fee is required

(f) In determining whether a license shall be granted to any applicant the commission shall take into consideration the applicant's financial responsibility the character and reputation of the applicant or its members or officers the desirability of the location specified in the application the proximity of such location to railroads highways and other transportation facilities and except in the case of an

application for a Fair License the question whether it is desirable to locate a racing park in the municipality or other political subdivision specified in the application

(g) The amounts deposited in the State Treasury under the provisions of this section shall be held by the State Treasurer as a guaranty by the licensee that daily license fees will be paid as hereinafter in this article provided They shall be returned to the licensee at the expiration of his license if all daily license fees have been paid If all daily license fees have not been paid any amounts due by the licensee shall be deducted from the deposit and only the balance if any shall be returned to the licensee

Section 402 Daily License Fees Every person licensed under the provisions of this act to conduct a horse race meeting either under a Class A license or a Fair or Hunt Club License shall pay to the commission each day for transmission by it to the Department of Revenue to be paid into the State Treasury a license fee amounting to three per centum of all money handled in the pari-mutuel or mutual pools at the licensee's enclosure or track during that day

Section 403 Owners' Riders' Trainers' etc Licenses Every horse owner rider trainer steward starter timer judge and other official at any racing meeting at which horse racing with wagering on the results thereof shall be permitted shall be licensed by the commission pursuant to the rules and regulations adopted by the commission and upon the payment of such license fees as shall from year to year be determined by the commission The amount of each license fee shall be the estimated cost of supervising and regulating the particular activity covered by the license divided by the estimated number of such licenses which will be issued for the ensuing year A schedule of the license fees for the following year shall be promulgated by the commission not later than December fifteenth of each year All licenses granted under this section shall be valid for a period of one year at any race meeting held during such year unless the license shall sooner be revoked by the commission for improper conduct on the part of the licensee

Section 404 Revocation of Licenses The commission shall have the power and its duty shall be to revoke any track license issued under the provisions of this article if the holder thereof has knowingly violated or permitted the violation of the provisions of this act The commission shall have the power to revoke any other license issued under the provisions of this article if the holder thereof has knowingly violated or permitted the violation of the provisions of this act or has been guilty of unsportsmanlike conduct The revocation of a license because of a charged violation of the provisions of this act shall be subject to review by certiorari to the Court of Common Pleas of Dauphin County The commission's action in revoking a license for unsportsmanlike conduct shall be final

ARTICLE V

Wagering on Horse Races

Section 501 Lawful and Unlawful Wagering It shall be unlawful to wager on the results of any horse race conducted within this Commonwealth unless the race is conducted by a licensee under this act and it shall be unlawful to permit any wagering at any licensed enclosure or track except under the pari-mutuel or mutual method of wagering and then only by the installation of such mechanical equipment as may be approved by the commission but the commission shall not require any particular make of mechanical equipment and may upon application and under proper regulations excuse any holder of a Fair license from installing any mechanical equipment

Section 502 Licensees to Provide Facilities for Mutual Wagering Licensees' Commissions Every licensee conducting a horse race meeting shall provide a place or places in the enclosure or grounds at which the licensee may conduct operate and supervise the pari-mutuel or mutual method of wagering on races conducted within its enclosure The commissions deducted and retained by any licensee from pari-mutuel or mutual pools shall not exceed eight per centum of the gross amount of money handled The odd cents of all redistributions to be made on mutual contributions exceeding a sum equal to the next lowest multiple of ten shall be paid in addition to the license fee of three per centum of the gross amount of money handled to the Commonwealth as hereinbefore in this act provided

ARTICLE VI

Unlawful Acts Penalties

Section 601 Conducting Races Without License It shall be unlawful for any person to hold or conduct or assist aid or abet in holding or conducting any meeting within this Commonwealth at which horse racing with wagering on the results thereof shall be permitted unless such person shall comply with the provisions of this act and be licensed to conduct a horse race meeting as hereinbefore in this act provided Any person violating this section shall upon conviction be punished by the imposition of a fine of not less than one thousand dollars or more than five thousand dollars or by imprisonment for not more than one year or both in the discretion of the court

Section 602 Wagering It shall be unlawful for any person to wager or bet on the result of a horse race otherwise than in accordance with the provisions of this act or at any place within this Commonwealth outside of the enclosures licensed by the commission under the provisions of this act for conducting horse race meetings on dates when racing within such enclosures has been approved by the commission Any person violating the provisions of this section shall upon conviction in a summary proceeding before a magistrate alderman or justice of the peace be punished by the imposition of a fine in the amount of twenty-five dollars and in default of the payment thereof imprisonment for ten days

Section 603 Taking Unlawful Wagers It shall be unlawful for any person to take a wager on the result of a horse race otherwise than in accordance with the provisions of this act or at any place within this Commonwealth outside of the enclosures licensed by the commission under the provisions of this act for conducting horse race meetings on dates when racing within such enclosures has been approved by the commission Any person violating the provisions of this section shall upon conviction be punished by the imposition of a fine of not more than one thousand dollars or by imprisonment of not more than one year or both in the discretion of the court

Section 604 Time of Racing It shall be unlawful to conduct any horse race under the provisions of this act except on weekdays between March thirty-first and December first of each year The commission shall not approve racing at any licensed track contrary to the provisions of this section

ARTICLE VII

Disposition and Appropriation of Moneys Accruing Under the Provisions of This Act

Section 701 Racing Fund Created All moneys paid into the State Treasury through the Department of Revenue under the provisions of this act shall be paid into a special fund to be known as the "State Racing Fund"

Section 702 Appropriation The moneys from time to time in the State Racing Fund are hereby appropriated for the following purposes

(a) To pay the salaries and expenses of the members of the commission the secretary and all employes and assistants employed by or for them in accordance with the provisions of The Administrative Code as amended

(b) To pay all other expenses properly incurred by the commission in administering this act

(c) To refund to licensees at the expiration of their licenses all sums deposited by them when the licenses were granted if the daily license fees have been paid by such licensees in accordance with the provisions of this act and otherwise to refund to such licensees the balances remaining after deducting from such deposits any daily license fees due and unpaid by such licensees during the periods of their licenses

(d) For payment into the General Fund from time to time as prescribed by the Governor in order to make moneys available for the payment of appropriations made by the General Assembly for unemployment relief purposes

ARTICLE VIII

Repealer And Effective Date

Section 801 Repealer All acts and parts of acts heretofore enacted which are inconsistent with the provisions of this act are hereby repealed

Section 802 Effective Date This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MELCHIORRE. Mr. Speaker and members of the House, the bill before you today is House Bill No. 286 which legalizes horse-racing in Pennsylvania, and in the name of the many thousands of people that admire the sport and love it, and for the millions of dollars that are spent of Pennsylvania money in other states, I am going to ask you to vote in favor of this bill.

There are all around the State of Pennsylvania many states which today have legalized horse-racing. In 1934 there were sixteen tracks throughout the United, and over a period of two years that has increased to twenty-four tracks, including the track of the state of Delaware which will have horse-racing next month in that state. New York, Ohio, West Virginia, Maryland and Delaware, which is thirty-seven miles away from Philadelphia—and the state of New Jersey, which will legalize in 1939, all will have horse-racing, and I do not see why Pennsylvania, which is one of the largest states in the Union, cannot have this sport and have their citizens spend their money where they are rightfully entitled to spend it, in their own State. California this year has made through legalized racing in revenue two million dollars, and the state of Florida up to this date has made one million eight hundred thousand dollars and the state of Florida depends solely on the visitors that go there to play the horses.

In the state of Maryland, which is sixty-seven miles away from Pennsylvania we have four tracks, and after a careful study over the last meet that they had at Havre de Grace, the first Saturday of the meet twenty-five thousand went to the races. Of these twenty-five thousand people at least fifteen thousand were from the City of Philadelphia, and they took in six hundred thousand dollars in bets in one day. The next Saturday a similar incident occured, which means that within two weeks the state of Maryland had taken in through their pari-mutuel machines one hundred twenty thousand dollars that they placed in the treasury of the state of Maryland. I do not see why we of Pennsylvania cannot have the opportunity of having our own track here, spending our own money in Pennsylvania and bringing in the revenue into our own State Treasury.

The Kentucky Derby that was run last Saturday, and attended by many of our locals, took in over a million and a half in the pari-mutuel machines on last Saturday. The twenty-four states that have horce-racing today, I believe are as good morally as the State of Pennsylvania, where some of the people call legalized racing gambling.

I want to give you a story and a real incident and a decision that was handed down on May 6 in Pittsburgh by the Superior Court of Pennsylvania. I do not know whether you have it throughout the other counties, but in Philadelphia we have a teleflash system which is something like a little radio box, where information on horse-racing comes over the wires. In those places where they had the teleflash system the police broke in, in homes and other places where they thought they had the system which was delivering information over the wires.

The decision handed down by the Chief Justice Keller of the Supreme Court of Pennsylvania upheld the legislation and the constitutionality of the teleflash system which makes it possible in the City of Philadelphia alone for every taproom, cigar store and poolroom to have a bookmaking shop and thus give the people an opportunity to place their money in betting in such places, with the result that no tax is being paid in the State. I don't think that is fair and just, and the money that these people spend could very well be taken care of by legalized racing at the tracks, and the State would then realize a good many millions of dollars over the course of a year from horse-racing. With these few facts before you, I sincerely believe that we should vote to pass House Bill 286 and give the people an opportunity to play the horses in a legalized way in the State. Pennsylvania is one of the greatest in the country in the breeding of horses, and at the Kentucky Derby two Philadelphia horses won first and second places at the Derby, while they do not have an opportunity to run on the soil on which they were born.

I ask you again in the names of the thousands of people who want legalized racing in Pennsylvania, and for the money that we can derive from it to vote in favor of this measure.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, I am proud today that the Quaker ancestry of his Excellency the Governor has impelled him to speak out in unmistakable terms against committing the State and the Quaker forbears of Pennsylvania to legalize gambling.

Members of the House, I am representing sixty-eight thousand people who had their beginning among the Scotch Presbyterians who came to this country in quest of liberty of worship. At Harris Ferry here at Harrisburg Governor Hamilton gave a grant of land to the Scotch Presbyterians when they came to this country for religious liberty, beginning at the Susquehanna and reaching into the setting sun. From Cumberland, the habitation of these Scotch Presbyterians twenty-six counties received their birth, and it is from here that the McCulloughs of Armstrong, the Kelsos of Lawrence, the Cunninghams of Washington and various and countless numbers of of those good individuals who have made up the population of these twenty-six counties of Pennsylvania received their birth of citizenry.

Beginning at the Susquehanna these Scotch Presbyterians brought with them as the old Romans did when they set out to form colonies, their lares and penates. They founded on headwaters of the Conodoguinet their churches and built around these churches their communities and, these communities spoke out the eternal principals of Christianity, the principles of Christianity that were founded upon the experiences of the race; race that began its existence at the foot of Mt. Sinaia. These eternal principles of Christianity, members of the House, embodied frugality, they embodied honesty, they embodied principles of the dignity of labor, and I beg of you, those of you who have traversed this beautiful valley of ours to look upon those old farmsteads and those substantial old stone houses and see how out of the dignity of labor these old farmers secured comity, secured dignity, secured for themselves the security of which we speak so much today.

As we talk about this subject of horse-racing today I do not appeal to you as a religious fanatic, but I come to you as one who grew up in the horse and buggy days. I belonged to the days, ladies and gentlemen, as many of you have belonged, when a country boy in order that he might have a country girl found it necessary to have a horse. In order that he might have a beautiful girl he found it necessary to have a good horse, and I remember in my days of youth when up and down the highways of our country, up and down the highways of Pennsylvania clouds of dust arose out of the spirit of contest, the spirit of contest of good horses. Yes, ladies and gentlemen of the House, I love good horses; I have good horses, and I enjoy the contest that comes from good horses.

Everyone of our forbears of this land across the river, whether they be Scotch Presbyterians, whether they be Germans, or whether they be French Hugenots, were founded on an ancestry that loved good horses and loved good husbandry. This is not a bill to encourage the development of good horses or sportsmanship that grows out of good horses. Today we are attempting to brush aside all the traditions upon which Pennsylvania was built. We are here to commit ourselves not to good horsemanship or to good sportsmanship or to the spirit of contest, but to condone in Pennsylvania a practice entirely in violation of the principles of William Penn. We are here to commit ourselves to legalized gambling.

Mr. O'KEEFE. Mr. Speaker, in this morning's Philadelphia paper there appeared an article as follows:

The Melchiorre bill legalizing horse-racing and pari-mutuel betting in Pennsylvania was assured of passage by the House of Representatives to night when Democratic State Chairman David L. Lawrence agreed to keep "hands off" when the measure comes to a vote tomorrow afternoon.

Lawrence released members of his Allegheny County Democratic delegation and told them to vote as they please when the bill comes up as a special order of business.

As the bill was advanced in the House tonight, it was amended to provide for the allocation of revenue from licenses and pari-mutuel betting to the general fund for unemployment relief purposes.

And so, Mr. Speaker, I wish at this time to read into the record a statement:

"Certain persons have circulated a false report that I have taken a hands-off attitude with reference to the pari-mutuel betting bill now before the Legislature which would establish legalized gambling for eleven million people, few of whom want it.

I want to re-affirm that I am unalterably opposed to this betting bill. I see no benefit to the masses of our people, many of whom are economically unable to afford to gamble, and I am convinced it would bring with it many evils. Although I am a lover of horses and horse-racing, I am firmly opposed to legalized gambling in Pennsylvania."

(Signed) DAVID L. LAWRENCE.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, I did not propose to speak on this measure, and I speak for this measure because I have become utterly convinced in my own mind that legalizing of horse-racing and of pari-mutuel betting in Pennsylvania on horses is not the great destroyer of the moral fibres of the people of Pennsylvania that some opponents of the bill feel that it is.

It is true that the State of Pennsylvania from its earliest days was a haven for persons who came here from other lands and from many other lands to find religious liberty. But to go back farther and trace the history of the persons who came to America to find religious liberty, we find that they came to find an expression of religious liberty and thoughts which was repressed by autocrats in Europe. We find that they were compelled to come here because they thought that they did not have the right to say and do as they pleased. They were persons—I am not drawing this as an anology to the horse-racing bill—but merely as an example of what the repression of free thought and free expression are of any of those things that go to make up the moral fibre of any people. When these people came here they felt that they had come to a place where they could do as they pleased within certain limitations, and think as they pleased. We have two things to consider; Mr. Melchiorre has adequately covered the question of the profit to be obtained by the Commonwealth. I speak, however, from another viewpoint. This country at one time tried to legislate against a human impulse, a human trait that is in most of us. People wanted to drink liquor, and during the hectic days after the World War a group that had fought for years to make this country as dry as the Sahara, endeavored to bring into the minds of the people, who were hysterical with the war the idea of prohibition. Those who opposed prohibition continued to do so. Those who liked prohibition were those who sought to make evil gains from it. Those were the people who were repressed from doing what they wanted to do. Good citizens were compelled to get their drink of liquor in a manner which they did not want to do, but because they would not repress their human instincts, they were compelled to go to the back door to do that which they should have been able to do at the front door.

A human trait which no one can deny, a human instinct, is the desire to gamble. Everybody likes to take a chance, whether it is for five cents or five dollars or whatever amount, they want to take a chance. That is a human instinct that is embodied in us as far back as the memory of man runneth not to the contrary. We are now coming in to this Legislature to say whether or not we shall farther repress the honest citizens of this State in their desire to exercise that which is a human instinct in them. We have come to say that we cannot legally—if this bill is defeated—bet on horse-racing in Pennsylvania. May I point out to you that thousands of bets are illegally made every day in Philadelphia, and I am advised by the country members that the same thing goes on around the country stores or any other place where they congregate in the rural districts.

Why not make these people honest? Why not give these people the opportunity of betting under a supervised system where they can get a fair return or an adequate return or a proper return for their betting. I say that a fight against gambling is not a fight against legalized horse-racing. I say that every member of this House who says that gambling is not good for us, that gambling is vicious or that gambling is against the law of the land or against morals, I say go back to your districts and get a more strict enforcement of your gambling laws. But I do not believe there is any police force in this land that has

ever been successful in wiping out gambling completely. I say if people want to gamble, and if you do not let them gamble, they are going to do it anyway, so you take an honest man and make him dishonest under the law, in the eyes of the law. I say if you allow legalized gambling in Pennsylvania you will allow these people to go to a track at certain times of the year, as many members of the House do and as I do, go once a year to the track and make a bet and have your fun. It is not something which undermines the moral fibre of the people. You are approaching a sane and comprehensive plan for getting rid of that very bad thing in the morals of our people, gambling. But if you are going to bring this out and get it into the light of day and allow persons to look each other in the eye, and we must recognize it, let us do it in the right way, in the light of day where all persons can see it, and it can be supervised so that people cannot be adversely affected.

I ask that this House vote unanimously in favor of House Bill 286.

Mr. JIROLANIO. Mr. Speaker and members of the House, I traveled four hundred miles from last night about eight o'clock until about half an hour ago, and I tried to do right by my district, and I tried to do right by my constituents in appearing in my seat, which I think is only my duty to my constituents and to the honor of the Commonwealth of Pennsylvania.

I did that for only one reason. I knew that today this bill, which I think is of very great importance to the Commonwealth of Pennsylvania was coming up for a final vote.

I myself personally have never seen a horse-race in my life. I don't know whether I would jump over the fence or whether I would try to be a jockey myself if I did see one, but I can honestly say that I have never made a bet on a horse yet. Of course it may sound strange, but I never want to lay a bet upon a horse as long as the law exists upon the statute books which makes a criminal out of me. That law is today is the same law that existed upon the books not so long ago when to take a mere sip of what some people thought was intoxicating liquor was a crime. Today that same thing some people believed in certain respects was a crime is legalized, and you and I do not think anything of a person who takes a sip of mild beverage or of liquor. Why is it that whenever this Keystone State tries to place laws upon the books to such an extent that they will benefit quite a number of people, that the reactionaries of this State get up and holler "You are murdering our religion." Now, I don't want to hurt anybody's religion. I worship my poor mother back home, who is a devout Christian, and I pay homage to anyone who respects his religion, because I know that without religion this country could not go ahead. But here you are. What is happening in our State? It is needless for me to tell you ladies and gentlemen. You know what is happening, not only are wagers being placed upon horses, but money is being taken out of this Commonwealth and placed in the treasuries of other states of this United States. We ourselves could very well use that money. We know how hard the taxpayer is being pressed in order to meet his just taxation today, and here we have a measure before us, a measure that will not hurt anyone, and I defy anyone in this Commonwealth to show me where this particular bill will affect or hurt anyone.

The only thing that this bill will do is to bring to our coffers money which will go into the General Fund, and that money in the General Fund then will be used for all purposes, the legitimate purposes of this Commonwealth. And when I say legitimate purposes, I have mainly in mind the relief question in Pennsylvania.

They tell you that it is illegal to place a bet, and I say to you that if it is illegal to place a bet, against the morals, to place a bet upon a horse, it is also illegal to buy a newspaper that has either on the front page or any part of it an advertisement which shows the way the horses are going to run, and the odds on each horse in each race that is going to take place on a certain date. If we could say honestly that betting is wrong under this act, then every newspaper that is published in the State of Pennsylvania is guilty of a crime. I will put that up to any attorney in this House tonight, and I challenge anyone in the Attorney General's office or in the office of the Attorney General of the United States Government, that there is no crime committed when today the newspapers are allowed to publish records of races and places where the races are to be held, and still you cannot place a bet according to that theory.

I represent a district which has one hundred sixty-nine thousand people, and out of that group of people I know what they told me in the last election. They knew where I stood; I stand for liberalization of laws, and that is the reason why I appear before you now, because I know that in the past one hundred fifty years every time you tried to liberalize the so-called blue laws of the State of Pennsylvania you were hounded by persons who said "You are wrecking the government." Yes, I know. We wrecked the government when we put Roosevelt in, Didn't we? We made it a better place for everybody to live in. Roosevelt was for liberalization of the laws. Roosevelt took it upon himself to liberalize those laws which made persons criminals not only in the State of Pennsylvania but in the United States.

In closing, just let me say this, that along with the newspapers you have on the air, on radio stations results and news flashes and the actual races themselves being broadcast. Again I say if it is a crime to bet, it is also crime for us to listen in on that radio. If it is a crime to do one thing along one line, it is also a crime to do the same thing on the other line, and the poor people who live in the State of Pennsylvania,—and I happen to be one,—if I do want to see a race, I cannot afford to go to one in Delaware, Maryland or Kentucky. I want to see a race here and give the people of Pennsylvania, the poor people a chance to see races in the same way as men of wealth. If you cannot legalize horse racing in Pennsylvania, vote your conscience, but I say give the people a chance to vote for legalized racing. Give the people a chance to have legalized horses racing, and I ask you to vote for this bill, which I know is a good bill.

Mr. WAGNER. Mr. Speaker and members of the House, I arise in support of House Bill No. 286. The other gentleman, members of the House, claim that they never played the ponies, but I claim that I have.

The people of our State must be in the forefront of activity and progress. They possess initiative comparable with the people of any state in the Union,—nevertheless, it is surprising how backward we are in seizing upon simple opportunities that would secure large revenues for our Commonwealth. I am referring to the sport of horse racing. While this wholesome pastime has often been

referred to as the "Sports of Kings", it is equally the "Sport of Commoners". Our citizens annually contribute very largely to this sport in the adjoining states of Maryland, West Virignia, Ohio and New York, and their treasuries and merchants reap a harvest from it.

During the year 1935 the state of Maryland received in tax revenue from racing $1,011,379. The small state of Rhode Island received the sum of $1,042,681 during that year. These amounts were larger during the year 1936.

The "Sport of Kings" as operated today, is "big business". A single modern racing establishment represents, in land and improvements, an investment of $2,000,000. It employs over twelve hundred persons, with concessions affording employment for an additional five hundred individuals. Besides the large sums of money spent by thousands of racing enthusiasts who come from all parts of the world, the horsemen alone who participate in a single meeting number eighteen hundred and spend large sums of money for the maintenance of themselves and their horses.

It is of benefit to the transportation companies, hotels, theatres and merchants. It has greatly benefited southern Florida and California. Feature stories and pictures of important meetings are sent to all parts of the globe. News services, photo syndicates, news-reel companies, sport editors, writers and correspondents all work at feverish pace during the racing season. Broadcasts of the important stakes and handicaps are international in their coverage. All of this helps our State.

The value to the farmer of the thoroughbred horse is far greater than most people realize. Thirty years of experience of the Breeding Bureau of the Jockey Club, which gives the farmers of New York the right to breed mares to thoroughbred stallions, has shown the tremendously improved value of horses because of the infusion of the thoroughbred strain. The improvement of the breed of horses is no idle phrase. Confirmation of the experience of the Jockey Club Breeding Bureau is afforded by the Remount Bureau of the United States Army.

Pennsylvania has notable horse farms, including those of Samuel D. Riddle at Glen Riddle, Pa.; of Walter M. Jeffords; of Joseph E. and George D. Widener and others. As you all know(Mr. Riddle is the owner of the famous "Man of War".

Pennsylvania is the leading State in the nation from the standpoint of the number of horses available engaged in steeplechase and hunt meets. The bone and sinew of racing is the class of men and women supporting it, and the benefits which accrue to farmers and others are due greatly to the voluntary contributions which such wealthy men and women make.

It is time the State recognized, to its own interest, that such persons and the sport should be helped and encouraged for the benefit of the public, and the entire project placed upon a more equitable and sound basis. Some of our nationally known steeplechase and hunt meets, which are supported mostly by private enterprise, are the Rose Tree, Radnor, Sewickley, Huntington Valley, Rolling Rock, Wissahickon, Whitemarsh and Pickering.

The Commonwealth of Pennsylvania has all the natural and other resources necessary to best supply and support the breeding and raising of horses, and the construction and operation of racing centers by citizens and officials of known reputation and integrity to insure the maintenance of this sport upon the highest levels.

There are now twenty-four states that have legalized racing under the control of State Racing Commissions, most of which operate under or not inconsistent with the Rules of Racing adopted by the Jockey Club. Virtually all of these states operate under the pari-mutuel system, which system is best adapted to a largely populated State like Pennsylvania.

There is no reason why the citizens of Pennsylvania should have to go outside of their own State to enjoy the "Sport of Kings". I do not think the citizens of Pennsylvania, nor the Governor nor the legislative bodies believe such a condition should continue to exist. I cannot believe that prejudice of fear or hyprocrisy will stand in the way of an effort to have our citizens enjoy this outdoor sport within their own State, or to prevent our State from receiving the substantial revenues.

I hope a model Horse Racing Bill will be enacted into law and approved by our Governor. This, I believe, would be one of the most important and forward steps in his administration and would permit the people of Pennsylvania to enjoy a liberal institution that they have been long denied.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—69

Allmond,	Falkenstein,	Long,	Readinger,
Blank,	Finnerty,	Lovett,	Ruffennach,
Bohn,	Fitch,	Mallen,	Scanlon,
Bradley,	Flanagan,	Matthews, H. T.,	Schor,
Brancato,	Ganser,	McArdle,	Shea,
Brigerman,	Gorski,	McDermott,	Shepard,
Broad,	Hagerty,	McElroy,	Skale,
Brown,	Hamilton, R. S.,	McGee,	Smith, James A.,
Caesar,	Hering,	McShane,	Stank,
Chervenak,	Hess,	Melchiorre,	Thompson,
Cohen, R. E.,	Holland,	Mooney,	Toole,
Coleman,	Holmes,	Munley,	Tumelty,
Corrigan,	Jirolanio,	O'Brien,	Vogt,
Costanzo,	Kroll,	O'Connor,	Wagner,
DeNote,	LaRue,	O'Neill,	Walsh,
Donohoe,	Levy,	Ostroff,	Westrick,
Dougherty,	Lewis,	Piole,	Whalen,
Dubbs,			

NAYS—125

Achterman,	Harkins,	Murrin,	Sproul,
Arnold,	Harmuth,	Nagel,	Stackpole,
Aukerman,	Hays,	O'Keefe,	Stewart,
Baine,	Hetrick,	Ominsky,	Stockham,
Baker, F. T.,	Hirsch,	Patterson, C. S.,	Strode,
Baker, J. J.,	Holstrom,	Peale,	Terry,
Balthaser,	Hontz,	Pearson,	Thomas,
Bierly,	Horting,	Perry,	Tronzo,
Boltz,	Huntley,	Pershing,	Trout,
Boose,	Imbrie,	Powers,	Turner,
Boyer,	Kane,	Preston,	Vallbus,
Brownfield,	Keenan,	Reese,	VanAllsburg,
Burrows,	Kelso,	Reising,	Wall,
Cadwalader,	Kilroy,	Richter,	Wampole,
Caputo,	Kline,	Robinson,	Watkins,
Cohen, H. B.,	Leisey,	Rothenberger,	Webster,
Colahan,	Longaker,	Sarraf,	Weidemann,
Davies,	Lopresti,	Schrock,	Weiss, D. H.,
Decker,	Lyons,	Schrope,	Weiss, S. A.,
Dickinson,	Marino,	Schumacher,	Welliver,
Downey,	Matthews, J. F.,	Serrill,	Welsh,
Eckels,	McCullough,	Shaw,	Whitenight,
Elpern,	McFall,	Shoemaker,	Wilson,
Fiss,	McKinney,	Shugarts,	Winner,
Flannery,	Mellott,	Siegel,	Wood,
Flinchbaugh,	Merrell,	Simon,	Woodside,
Gerard,	Mihm,	Sloan,	Yanoshat,
Gillette,	Moomaw,	Smith, John A.,	Yeakel,

Habbyshaw,	Moran,	Snyder,	Yourishin,
Haberlen,	Moul,	Sollenberger,	Zappala,
Hall,	Muir,	Spengler,	Furman,
Hamilton, F. P.,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REASON FOR VOTE

Mr. HERING filed the following reason for his vote.

I am voting "yes" on this Bill because the revenues occurring under this act will be used for unemployment relief.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LOVETT. Mr. Speaker, I move that permission of the House be granted to the Committee on Railroads and Railways to hold a public hearing on House Bill No. 607.

On the question,

Will the House agree to the motion.

Mr. MARINO. Mr. Speaker, yesterday I ask for a special order of business on House Bill No. 1839, to be called up at 3:30 p. m. today, and the reason I did that was because some of the members of the House were absent, and I felt that the problem that is confronted in this bill is very important, and I would like to have as many members of the House present as it would be possible to have. Consequently I think that if it would be possible I would like to have the gentleman withdraw his motion in order to consider this bill first.

The SPEAKER. Does the gentleman object to the granting of permission for the committee to meet??

Mr. MARINO. I do. Mr. Speaker.

Mr. BAINE. Mr. Speaker, when was the Chair notified that this hearing was going to be held?

The SPEAKER. The announcement is in this week's history. The arrangements were made last week.

On the question recurring.

Will the House agree to the motion?

The SPEAKER declared the "ayes" appear to have it,

Whereupon, a division was called for, one hundred and fifteen members or more than a majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

SPECIAL ORDER OF HOUSE BILL No. 1839

The SPEAKER. The Chair lays before the House the special order of business on final passage fixed for this time, House Bill No. 1839, Printer's No. 717.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1839, as follows:

An Act to define the power of the Supreme and Superior Courts in declaring laws enacted by the General Assembly to be unconstitutional

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same. That hereafter neither the Supreme Court nor the Superior Court of this Commonwealth shall have any power or jurisdiction to declare invalid as offending any provision of the Constitution of this Commonwealth or any law or part thereof heretofore or hereafter enacted by the General Assembly of this Commonwealth unless six judges of the said court shall concur in the decision holding such law or part thereof unconstitutional

On the question,

Shall the bill pass finally?

MOTION TO POSTPONE SPECIAL ORDER

Mr. MARINO. Mr. Speaker, I move that the special order on House Bill No. 1839, be postponed until tomorrow, Wednesday, at 2:00 p. m.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, this bill was up last night and the gentleman from Washington asked at that time to have it made a special order of business today, because the House was light. Now he is again asking for a postponement until tomorrow, evidently for the same reason. Tomorrow we may again be in the same position and I think we ought to go ahead with the business of the House. We have only covered a very few bills this morning and I think we ought to proceed with this bill at this time.

Mr. MARINO. Mr. Speaker, a number of the committees are out considering legislation that is important. In view of the fact that some of the members who are on the committee are at public hearings I have requested that this bill be postponed until tomorrow in order that they may be given an opportunity to express their sentiments on the measure. That is the reason that I am asking for postponement.

Mr. TURNER. Mr. Speoker, I would like to interrogate the gentleman from Washington, Mr. Marino.

The SPEAKER. Will the gentleman from Washington permit himself to be interrogated?

Mr. MARINO. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like the gentleman from Washington to tell us how many men have asked to have it postponed?

Mr. MARINO. Mr. Speaker, I was asked by—I don't know, I think there were about ten or twelve members.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the "nays" appear to have it.

Whereupon, a division was called for, fifty members having voted in the affirmative and ninety-four in the negative, the question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

QUESTION OF INFORMATION

Mr. BAINE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. BAINE. Would it be in order, Mr. Speaker, to ask for a poll of the House?

The SPEAKER. The vote has just shown that there is a quorum present.

Mr. BAINE. Mr. Speaker, I ask for a call of the House.

A call of the House was taken and was as follows:

PRESENT—179

Achterman,	Gillette,	McGee,	Shoemaker,
Allmond,	Gorski,	McKinney,	Shugarts,
Arnold,	Habbyshaw,	McShane,	Siegel,
Aukerman,	Haberlen,	Melchiorre,	Simon,
Baine,	Hagerty,	Mellott,	Skale,
Baker, F. T.,	Hall,	Merrell,	Sloan,
Baker, J. J.,	Hamilton, F. P.,	Mihm,	Smith, John A.,
Balthaser	Hamilton, R. S.,	Moomaw,	Snyder,
Bierly,	Harkins,	Mooney,	Sollenberger,
Bohn,	Harmuth,	Moran,	Spengler,
Boles,	Hays,	Muir,	Sproul,
Boltz,	Hering,	Munley,	Stackpole,
Boose,	Hess,	Murrin,	Stewart,
Boyer,	Hetrick,	Nagel,	Stockham,
Brancato,	Hirsch,	O'Brien,	Strode,
Brigerman,	Holland,	O'Connor,	Terry,
Broad,	Holmes,	O'Keefe,	Thomas,
Brown,	Hontz,	Ominsky,	Thompson,
Brownfield,	Horting,	O'Neill,	Toole,
Burrows,	Huntley,	Ostroff,	Tronzo,
Cadwalader,	Imbrie,	Patterson, C. S.,	Trout,
Caesar,	Jirolanio,	Peale,	Timelty,
Caputo,	Kane,	Pearson,	Turner,
Chervenak,	Keenan,	Perry,	Valibus,
Cohen, H. B.,	Kelso,	Pershing,	VanAllsburg,
Cohen, R. E.,	Kilroy,	Piole,	Wagner,
Coleman,	Kline,	Powers,	Wall,
Coolahan,	Kroll,	Preston,	Walsh,
Corrigan,	LaRue,	Readinger,	Wampole,
Costanzo,	Leisey,	Reese,	Watkins,
Davies,	Levy,	Reising,	Weidemann,
Decker,	Lewis,	Richter,	Weiss, D. H.,
DeNote,	Long,	Robinson,	Weiss, S. A.,
Dickinson,	Longaker,	Rothenberger,	Welliver,
Donohoe,	Lopresti,	Ruffennach,	Walsh,
Dougherty,	Lovett,	Sarraf,	Westrick,
Dubbs,	Lyons,	Scanlon,	Whalen,
Eckels,	Marino,	Schor,	Whitenight,
Elpern,	Matthews, H. T.,	Schrock,	Wilson,
Finnerty,	Matthews, J. F.,	Schrope,	Winner,
Fiss,	McArdle,	Schumacher,	Wood,
Fitch,	McCullough,	Serrill,	Woodside,
Flannery,	McDermott,	Shaw,	Yeakel,
Ganser,	McElroy,	Shea,	Zappala,
Gerard,	McFall,	Shepard,	Furman,

The SPEAKER. One hundred seventy-nine members have answered when their names were called, a quorum is present.

Mr. HERBERT B. COHEN. Mr. Speaker, I move you that further proceedings under the call be dispensed with.

The motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. MARINO. Mr Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. MARINO. Mr. Speaker, at yesterday's session the gentleman from Allegheny, Mr. Brown, made an address to this Assembly relative to the bill that is now before the House for consideration and I desire to ask him some questions with reference to some of the statements that he made at that time. Mr. Speaker, does the gentleman feel that House Bill No. 1839 is an attempt to encoach upon the power of the judiciary?

Mr. BROWN. Mr. Speaker, in answer to the question of the gentleman from Washington I would say that I do.

Mr. MARINO. Mr. Speaker, does the gentleman feel that there is anywhere in the Constitution a provision whereby power is given to the judicial branch of the government to declare an act of this Assembly unconstitutional?

Mr. BROWN. In aswer to the gentleman from Washington, Mr. Speaker, I would say there is no place in the Constution that gives the right to the court to declare acts of the Legislature unconstitutional.

Mr. MARINO. Mr. Speaker, does the gentleman feel that the judicial branch of the government constitutionally has that power?

Mr. BROWN. Mr. Speaker, in answer to the gentleman from Washington, I would say yes.

Mr. MARINO. Mr. Speaker, I am not able to follow the gentleman's reasoning. If the Constitution does not specifically give that power to the judicial branch of the government from whence do they get it?

Mr. BROWN. Mr. Speaker, I do not believe I can answer the gentleman categorically. If he would permit me to make a statement, I can perhaps say what is meant by implied powers under the Constitution and furthermore I would say to the gentleman it would be a long discussion. If the gentleman wishes it I will be more than happy to provide him with it.

Mr. MARINO. Mr. Speaker, I would appreciate it if the gentleman would go into a discussion of this matter.

Mr. BROWN. Mr. Speaker, I am not trying to evade the question, but if the gentleman wants to interrogate me I will be interrogated. If the gentleman wants me to make a speech I will make a speech. I am in a dilemna; I do not know what to do myself.

Mr. KANE. Mr. Speaker, I also regard the gentleman from Allegheny as a very able speaker, and I feel that he should make a speech on the subject; I would like to hear him.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Brown.

Mr. BROWN. Mr. Speaker and members of the House, I think every student of history here knows full well that the Constution of the Commonwealth of Pennsylvania, patterned after the Constitution of the United States of America, is not all-embracive in that it comprises much more than you cannot find in the written words, taking the document and trying to find in the language all of its implications.

On this particular subject I take this position, and I find my authority in a very celebrated case which I cited to this House last night, the cases of Sharpless versus the Mayor of Philadelphia, found in our Pennsylvania Supreme Court reports in Volume 21, page 147, wherein the learned Chief Justice made this statement, which I will reiterate: "The General Assembly cannot therefore pass any law in conflict with the rightfully authority of Congress, nor perform a judicial or executive function, nor violate the popular proceedings reserved by the Declaration of Rights, nor change the organic structure of the government, nor exercise any other power prohibited in the Constitution.'

The organic structure of our structure of our government embraces not simply the spoken words of the Constitution. When the founders of this country came to this country they brought with them the organic structure of the government. A part of that government was to leave silent the Constitution on the question of the authority of the court except to say that the full judicial power shall be invested in that court.

May I refer you to the common law and may I refer you to the history of the common law? If the forefathers of this country had intended that the Legislature should have power that is given the House of Parliament, they would have said so. The courts have from the time the memory of man runneth not to the contrary uniformly held that the power to declare laws of Congress and laws of the Com-

monwealth unconstitutional, is a constitutional power, although not spoken in the words of the Constitution.

I say to you that that is as much the organic structure of this government as any implied power. If you take away the Constitution of Pennsylvania and likewise from the Constitution of the United States the implied powers that have been promulugated by the courts from the time of the establishment of this country and of this Commonwealth, I say to you that you take away not only the organic structure of this law, but you take away the fundamental principle upon which Democratic government rests. In answer to the gentleman from Washington, Mr. Marino, I say again that there is nothing in the Constitution except by implication, which implication has become such a strong principle of our organic structure that it is as much a part of the Constitution as any word or sections giving the full power to the judiciary in all questions that involve the courts.

Mr. MARINO. Mr. Speaker, may I further interrogate the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I will, Mr. Speaker.

Mr. MARINO. Mr. Speaker, then gentleman from Allegheny, Mr. Brown, has stated that there is no specific power given to the judicial branch of the government and what he has stated comes about through implied power?

Mr. BROWN. I do state that, Mr. Speaker. The implied power, coupled with the fact that all of the implications arising from the Constitution are implied power that touch upon that support the organic structure of our government.

Mr. MARINO. Mr. Speaker, does the gentleman feel that the legislative power of this Commonwealth is vested in the General Assembly?

Mr. BROWN. Mr. Speaker, I so feel and want it to stay there.

Mr. MARINO. Mr. Speaker, does the bill that is up for consideration involve in part the same principle that was contained in a resolution that was passed by the House on February 15, 1937, memoralizing Congress to authorize additional Justices of the Supreme Court of the United States,—in general principle?

Mr. BROWN. Mr. Speaker, in answer to the gentleman from Washington, Mr. Marino, I shall say emphatically it does not.

Mr. MARINO. Mr. Speaker and members of the House, I am perhaps quite unfortunate in having as an opponent on this measure one of our most able members. I recognize the fact that he is a man of great ability and that his stand in this matter is absolutely sincere, but I differ somewhat as to his ideas and his interpretation of the Constitution of this Commonwealth.

My conception of government is that government in this country, in this Commonwealth and in the United States, also is divided into three branches and that each branch has a particular function and a particular responsibility to perform. My contention is that the responsibility of making all law or legislative authority rests entirely with the legislature. I further contend that as far as the judicial branch of government is concerned that the judiciary should be confined to a purely judicial province; that the scope of their authority is to interpret the law that we pass, and to apply the law to the particular case that is before them. If they perform that duty and do it well they have done their part. Whenever the judiciary extends its jurisdiction or authority, it takes a step that strikes at the very foundation of our democracy.

I believe that the bill that is before the House is one that will restore the intended functions to each branch of government. We all recognize the fact that government has a practical aspect; government is instituted to serve the people; government is instituted to serve them because they could not be served in certain ways were it not for the fact that government exists, and I believe in order to serve the people that certain legislation must be passed.

Not long ago a great leader of the modern day said that he saw one-third of the United States ill clothed, one-third of the United States ill housed, one-third of the United States ill fed, and it is only through legislative action that we can meet the problems that confront us, to eliminate that one-third or at least to lessen the number of people who are ill clothed, ill sheltered and ill fed. When he made that statement from Washington City, Franklin Roosevelt could well have said that more than three million of those people are within the boundaries of Pennsylvania. In order for us to meet our problem here intelligently and in order for us to meet our problem in a way as to lessen that number of unfortunate people, I believe that it is the duty of this legislature to enact into law legislation that the people desire. I believe that the legislature, in order to meet the crying needs of the people, has presented many ideas to the honorable members of this House in order to meet the problem. We have passed already a milk control bill in order to meet the specific problem of the farmer; we have either passed or intend to pass and have under consideration other legislation that the people are asking for, compensation laws, a miners' certificate bill for the coal miners; full crew and train limit bills for the railroad workers; a chain store tax in order to aid the small business man; a new election code in order to have better and cleaner elections in the Commonwealth; a bill sponsored by Senator McGinnis, which was passed finally yesterday, which is an act providing for the right of employes to organize, and so forth. We have laws of all sorts and of all phases, to help the professional people, to help the small business man, to help the farmer, to help the miner, to help the laborer and to help the people of this Commonwealth, and in every instance whenever this legislation was passed by this House we find that there is not one single, solitary important measure that is passed unless the question of its constitutionality arises. I believe that the courts of this Comonwealth have their functions, I believe that the judicial branch of the Commonwealth has its functions, but whenever they invalidate acts of this legislature they are taking upon themselves a legislative function and not a judicial function. My contention is that when an act passes this House, passes the Senate and is signed by the Governor, that act constitutes the complete expression of opinion of a sovereign people and is not subject to review by the courts, because acts which are passed by this Legislature are acts of a political nature, with regard to policy. Every act that is considered here is an act regarding policy which has been discussed in the previous campaign. When the judges of this Commonwealth or the judicial branch of the Commonwealth invalidate such an act, they are taking away the will of a sovereign people. I believe that the legislative authority belongs in this House, and I, for one, am unwilling to relinquish any of any authority to the judicial branch of

government. I, for one, am willing to turn over to the judicial branch of the government or to surrender any of the rights of the people from my district. If the laws passed by this General Assembly do not meet with the approval of the people, if the acts that go through this House and the Senate across the way ,and are signed by the Governor, do not represent the political philosopy of the people of this Commonwealth they have redress in that they can elect new members of the Legislature every two years, who will represent them in their desires and in their wishes.

As far as concerns the suggestion which I made with reference to requiring a six to one decision of the Supreme Court, or to state it more accurately to require six members of the Supreme or Superior Court to concur before they can invalidate an act of this Assembly, I desire to allay the fears of some who believe that this is an idea that is far afield, that it is an idea that is new, that it is an idea that is untried, and it is an idea that is risky. I submit to you, members of the House, that the provision of this act requiring six justices to concur before they can invalidate an act to the Assembly is nothing new. One of the great leaders of liberal political thought in America, Senator Norris of Nebraska, has a bill in the Congress of the United States at the present time, requiring that seven justices must concur before they can invalidate an act of Congress. Our sister state of Ohio since 1930 has required that six justices out of seven must concur before they can invalidate an act of the Ohio Legislature. The act that is before you this afternoon is asking for the same thing in the Commonwealth of Pennsylvania, requiring six justices of the Supreme or Superior Court, learned in the law, to agree before they can invalidate an act passed by the House, passed by the Senate and signed by the Governor. I do not believe that this is asking too much; I do not believe that the principle involved in this bill is too harsh; I believe that it will result in a better handling of the problem that confronts us and that's why I am supporting this measure and asking the membership of this House to vote in the affrmative in supporting it.

And the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. HARMUTH. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as folows:

YEAS—61.

Achterman,	Dickinson,	Moran,	Spengler,
Allmond,	Elpern,	Murrin,	Stank,
Aukerman,	Fitch,	Nagel,	Thomas,
Baine,	Flinchbaugh,	O'Keefe,	Tronzo,
Bohn,	Harmuth,	Ominsky,	Valibus,
Bradley,	Hays,	O'Neill,	Vogt,
Brancato,	Hirsch,	Patterson, C. S.,	Wagner,
Broad,	Holland,	Reese,	Weiss, D. H.,
Brownfield,	Horting,	Reising,	Weiss, S. A.,
Burrows,	Marino,	Ruffennach,	Whalen,
Caputo,	Matthews, H. T.,	Sarraf,	Wright,
Cohen, H. B.,	McDermott,	Schrope,	Yanoshat,
Coleman,	McElroy,	Shoemaker,	Yourishin,
Coolahan,	Mellott,	Shugarts,	Zappala,
Costanzo,	Moomaw,	Smith, James A.,	Furman,
Decker,	Mooney,		

NAYS—102.

Arnold,	Hall,	McGee,	Skale,
Baker, F. T.,	Hamilton, F. P.,	McKinney,	Sloan,
Baker, J. J.,	Hamilton, R. S.,	Melchiorre,	Smith, John A.,
Balthaser,	Harkins,	Merrell,	Snyder,
Boles,	Haring,	Mihm,	Sollenberger,
Boltz,	Hess,	Muir,	Sproul,
Boose,	Hetrick,	O'Brien,	Stackpole,
Boyer,	Hindman,	O'Connor,	Stewart,
Brigerman,	Holmes,	Ostroff,	Stockham,
Brown,	Holstrom,	Peale,	Strode,
Cadwalader,	Huntley,	Perry,	Terry,
Caesar,	Imbrie,	Pershing,	Thompson,
Cohen, R. E.,	Kane,	Powers,	Tumelty,
Corrigan,	Keenan,	Preston,	Turner,
Davies,	Kelso,	Readinger,	VanAllsburg,
DeNote,	Kline,	Richter,	Wall,
Dubbs,	Krell,	Rothenberger,	Walsh,
Eckels,	LaRue,	Scanlon,	Wampole,
Flaherty,	Leisey,	Schor,	Watkins,
Fiss,	Levy,	Schrock,	Weidemann,
Ganser,	Long,	Schumacher,	Wilson,
Gillette,	Longaker,	Serrill,	Winner,
Gorski,	Lopresti,	Shea,	Wood,
Habbyshaw,	Lyons,	Siegel,	Woodside,
Haberlen,	Matthews, J. F.,	Simon,	Yeakel,
Hagerty,	McCullough,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SIMON asked and obtained permission for the Committee on Ways and Means to meet durnig the session of the House.

PERMISSION GRANTED MEMBER TO ATTEND HEARING

Mr. REISING asked and obtained permission to attend a public hearing during the session.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1692.

Mr. HARKINS. Mr. Speaker, I desire to call up at this time the Report of the Committee of Conference on House Bill No. 1692, Printer's No. 825.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1692, entitled "An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city," respectfully submit the following bill as our report:

J. ALBERT REED
GLEN R. LAW
(Committee on the part of the Senate)

CLIFF PATTERSON
L. KENNETH HARKINS
THOS. WEIDEMANN
(Committee on the part of the House of Representatives)

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no township of the first or second class nor any part of any such township shall be annexed to a contiguous city or borough in accordance with any existing law providing for such annexation unless the voters of the entire township have first consented to such annexation Whenever any proceeding for such annexation shall be commenced the same shall not be concluded and the annexation shall not be-

come effective until there has first been submitted to the electors of the entire township in accordance with the election law for the submission of such questions a proper question to ascertain the will of the electors with respect to such proposed annexation Such question shall be printed on ballots provided by the county commissioners and shall be submitted at any general or municipal election occurring at least sixty days after a petition shall have been filed with the county commissioners by the corporate authorities of the borough or city to which such annexation is to be made asking for the submission of such question If at any such election a majority of those voting on such question shall consent to such annexation then such annexation may be made and concluded in the manner provided by law but if a majority of those voting on the question shall vote against such annexation then no further proceedings for such annexation shall be had Any such question shall not be submitted oftener than once in five years Nothing contained in this act shall be construed to apply to proceedings under existing law where provision is now or hereafter made to secure the consent of the electors of any township to any such annexation

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House adopt the Report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201.

Achterman,	Gerard,	McGee,	Siegel,
Allen,	Gillette,	McKinney,	Simon,
Allmond,	Gorski,	McShane,	Skale,
Arnold,	Habbyshaw,	Melchiorre,	Sloan,
Atkins,	Haberlen,	Mellott,	Smith, James A.,
Aukerman,	Hagerty,	Merrell,	Smith, John A.,
Baine,	Hall,	Mihm,	Snyder,
Baker, J. J.,	Hamilton, F. P.,	Moomaw,	Sollenberger,
Balthaser,	Hamilton, R. S.,	Mooney,	Spengler,
Bierly,	Harkins,	Moran,	Sproul,
Blank,	Harmuth,	Moul,	Stackpole,
Bohn,	Hays,	Muir,	Stank,
Boles,	Hering,	Munley,	Stewart,
Boltz,	Hess,	Murrin,	Stockham,
Boose,	Hetrick,	Nagel,	Strode,
Boyer,	Hindman,	O'Brien,	Terry,
Bradley,	Hirsch,	O'Connor,	Thomas,
Brancato,	Holland,	O'Keefe,	Thompson,
Brigerman,	Holmes,	Ominsky,	Toole,
Broad,	Holstrom,	O'Neill,	Tronzo,
Brown,	Hontz,	Ostroff,	Trout,
Brownfield,	Horting,	Patterson, C. S.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	Vogt,
Chervenak,	Keenan,	Piole,	Wagner,
Cohen, H. B.,	Kelso,	Powers,	Wall,
Cohen, R. E.,	Kilroy,	Preston,	Walsh,
Coleman,	Kline,	Readinger,	Wampole,
Coolahan,	Kroll,	Reese,	Watkins,
Corrigan,	LaRue,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weidemann,
Davies,	Levy,	Robinson,	Weiss, D. H.,
Decker,	Lewis,	Rothenberger,	Weiss, S. A.,
DeNote,	Long,	Royer,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Mallen,	Schor,	Wilson,
Eckels,	Marino,	Schrock,	Winner,
Elpern,	Matthews, H. T.,	Schrope,	Wood,
Falkenstein,	Matthews, J. F.,	Schumacher,	Woodside,
Finnerty,	McArdle,	Serrill,	Wright,
Fiss,	McCullough,	Shaw,	Yanoshat,
Fitch,	McDermott,	Shea,	Yeakel,
Flanagan,	McDevitt,	Shepard,	Yourishin,
Flannery,	McElroy,	Shoemaker,	Zappala,
Flinchbaugh,	McFall,	Shugarts,	Furman,
Ganser,			

NAYS—0.

The majority required by the Constitution having voaed in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, noncurred in by the House of Representatives, to House Bill No. 1284, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the Commission and authorizing the issuance of turnpike revenue refunding bonds

Mr. CLIFF S. PATTERSON. Mr. Speaker, I move that the House recede from its non-concurrence in the amendments made and insisted upon by the Senate and that the House do concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201.

Achterman,	Gerard,	McGee,	Siegel,
Allen,	Gillette,	McKinney,	Simon,
Allmond,	Gorski,	McShane,	Skale,
Arnold,	Habbyshaw,	Melchiorre,	Sloan,
Atkins,	Haberlen,	Mellott,	Smith, John A.,
Aukerman,	Hagerty,	Merrell,	Smith, James A.,
Baine,	Hall,	Mihm,	Snyder,
Baker, J. J.,	Hamilton, F. P.,	Moomaw,	Sollenberger,
Balthaser,	Hamilton, R. S.,	Mooney,	Spengler,
Bierly,	Harkins,	Moran,	Sproul,
Blank,	Harmuth,	Moul,	Stackpole,
Bohn,	Hays,	Muir,	Stank,
Boles,	Hering,	Munley,	Stewart,
Boltz,	Hess,	Murrin,	Stockham,
Boose,	Hetrick,	Nagel,	Strode,
Boyer,	Hindman,	O'Brien,	Terry,
Bradley,	Hirsch,	O'Connor,	Thomas,
Brancato,	Holland,	O'Keefe,	Thompson,
Brigerman,	Holmes,	Ominsky,	Toole,
Broad,	Holstrom,	O'Neill,	Tronzo,
Brown,	Hontz,	Ostroff,	Trout,
Brownfield,	Horting,	Patterson, C. S.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	Vogt,
Chervenak,	Keenan,	Piole,	Wagner,
Cohen, H. B.,	Kelso,	Powers,	Wall,
Cohen, R. E.,	Kilroy,	Preston,	Walsh,

Coleman,	Kline,	Readinger,	Wampole,
Coolahan,	Kroll,	Reese,	Watkins,
Corrigan,	LaRue,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weidemann,
Davies,	Levy,	Robinson,	Weiss, D. H.,
Decker,	Lewis,	Rothenberger,	Weiss, S. A.,
DeNote,	Long,	Royer,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Mallen,	Schor,	Wilson,
Eckels,	Marino,	Schrock,	Winner,
Elpern,	Matthews, H. T.,	Schrope,	Wood,
Falkenstein,	Matthews, J. F.	Schumacher,	Woodside,
Finnerty,	McArdle,	Serrill,	Wright,
Fiss,	McCullough,	Shaw,	Yanoshat,
Fitch	McDermott,	Shea,	Yeakel,
Flanagan,	McDevitt,	Shepard,	Yourishin,
Flannery,	McElroy,	Shoemaker,	Zappala,
Flinchbaugh,	McFall,	Shugarts,	Furman,
Ganser,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILL INTRODUCED

Mr. FALKENSTEIN asked and obtained unanimous consent to introduce a bill the title which was read as follows:

A Joint Resolution authorizing the appointment of a commission to make a thorough investigation and careful analysis and study of the prior human conduct of persons convicted or serious crime, to determine the cause of the destruction of the conscience of such persons and the obliteration of their knowledge of right and wrong and requiring said commission to consider the advisability of having all the school children of this Commonwealth taught a simple code of ethics or a standard of conduct; requiring said commission to make a report to the Governor of its findings and its recommendations as to such legislation as may be necessary or desirable; authorizing the commission to employ such persons as are necessary; and making an appropriation.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. SIEGEL. Mr. Speaker, I move that House Bill No. 1130, Printer's No. 643, together with the communication from the Governor, which was laid upon the table, be taken from the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing form His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1130.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1130, Printer's No. 643, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. SIEGEL. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. ROBINSON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lycoming, Mr. Siegel vote on the final passage of this bill?

Mr. SIEGEL. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Robinson, vote on the final passage of this bill?

Mr. ROBINSON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SIEGEL. Mr. Speaker, I move that the vote by which this bill passed reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 3 of the title, by striking out at the end of the line the following: "[sections two hundred twenty and]" and in inserting in lieu thereof the word: "section"

Amend page 1, line 5 of the title, by striking out after the word "hundred" and before the word "and" the word: "[fifty-six]" and inserting in lieu thereof the word: "fifty-one"

Amend page 1, line 7 of the title, by striking out after the word "add" and before the word "two" the word: "[section]" and inserting in lieu thereof the word: "sections"

Amend page 2, line 3 of the title, by inserting after "wealth'" and before the word "further" the word: "by"

Amend page 2, line 4 of the title, by striking out at the end of the line the following: "[changing certain]"

Amend page 2, line 5 of the title, by striking out at the beginning of the line the following: "[penalties and providing new penalties]"

Amend sectoin 1, page 3, line 21 by inserting at the end of the line the following: "for fish"

Amend section 1, page 3, line 25 by striking out after "H [[]" and before the word "Eels" the following: "[(d)]" and inserting in lieu thereof the following: "(e)"

Amend section 1, page 4, line 12 by striking out after the word "than" and before the word "of" the word: "[three-fourth]" and inserting in lieu thereof the word: "three-fourths"

Amend section 1, page 4, line 24 by striking out after "[(d)]" and before the word "It" the following: "[(e)]" and inserting in lieu thereof the following: "(f)"

Amend section 3, page 6, line 2 by striking out after the word "Dams" and before the word "retards" the word: "[Deflectors]" and inserting in lieu thereof the word: "deflectors"

Amend page 7 by striking out lines 8 to 29, inclusive.

Amend page 8 by striking out lines 1 to 22, inclusive.

Amend section 5, page 8, line 23 by striking out after "[6]" and before the word "That" the figure: "[5]" and inserting in lieu thereof the figure: "4"

Amend section 6, page 10, line 5 by striking out after "[7]" and before the word "That" the figure: "[6]" and inserting in lieu thereof the figure: "5"

Amend section 6, page 10, line 21 by striking out after "viction" and before the word "the" the word: "[on]" and inserting in lieu thereof the word: "or"

Amend section 7, page 11, line 1 by striking out after "[8]" and before the word "That" the figure: "[7]" and inserting in lieu thereof the figure: "6"

Amend section 8, page 13, line 21 by striking out after

"[10]" and before the word "That" the figure: "[8]" and inserting in lieu thereof the figure: "7"

Amend section 8, page 14, line 3 by striking out after the word "determined" and before the word "be" the following: "[before him]" and inserting in lieu thereof the following: "by any magistrate alderman or justice of the peace"

Amend section 9, page 15, line 8 by striking out after "[11]" and before the word "That" the figure: "[9]" and inserting in lieu thereof the figure: "8"

Amend section 9, page 18, line 21 by striking out after the word "be" and before the word "for" the word: "[lawful]" and inserting in lieu thereof the word: "unlawful"

Amend section 9, page 18, line 25 by striking out at the end of the line the following: "[pro]"

Amend section 9, page 18, line 26 by striking out at the beginning of the line the following: "[vision]" and inserting in lieu thereof the following: "visions"

Amend section 10, page 19, line 4 by striking out after "[12]" and before the word "This" the following: "[10]" and inserting in lieu thereof the following: "9"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 280.

An Act requiring all terminal airports maintaining regular scheduled flights and all radio transmission stations to maintain auxiliary aerial night lightning equipment and an auxiliary source of electric current to light the same and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by inserting in line 2 after the word "stations" the words "used for air navigation purposes"; also by striking out in line 4 the words "to light" and inserting in lieu thereof the word "for."

Amend section 1, page 1, by inserting at the end of line 6 after the word "stations" the words "used for air navigation purposes"; also in line 9 by inserting after the word "lighting" the words "and radio transmission."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Gerard,	McGee,	Siegel,
Allen,	Gillette,	McKinney,	Simon,
Allmond,	Gorski,	McShane,	Skale,
Arnold,	Habbyshaw,	Melchiorre,	Sloan,
Atkins,	Haberlen,	Mellott,	Smith, John A.,
Aukerman,	Hagerty,	Merrell,	Smith, James A.,
Baine,	Hall,	Mihm,	Snyder,
Baker, J. J.,	Hamilton, F. P.,	Moomaw,	Sollenberger,
Balthaser,	Hamilton, R. S.,	Mooney,	Spengler,
Bierly,	Harkins,	Moran,	Sproul,
Blank,	Harmuth,	Moul,	Stackpole,
Bohn,	Hays,	Muir,	Stank,
Boles,	Hering,	Munley,	Stewart,
Boltz,	Hess,	Murrin,	Stockham,
Boose,	Hetrick,	Nagel,	Strode,
Boyer,	Hindman,	O'Brien,	Terry,
Bradley,	Hirsch,	O'Connor,	Thomas,
Brancato,	Holland,	O'Keefe,	Thompson,
Brigerman,	Holmes,	Ominsky,	Toole,
Broad,	Holstrom,	O'Neill,	Tronzo,
Brown,	Hontz,	Ostroff,	Trout,
Brownfield,	Horting,	Patterson, C. S.,	Tumelty,
Burrows,	Huntley,	Peale,	Turner,
Cadwalader,	Imbrie,	Pearson,	Valibus,
Caesar,	Jirolanio,	Perry,	VanAllsburg,
Caputo,	Kane,	Pershing,	Vogt,
Chervenak,	Keenan,	Piole,	Wagner,
Cohen, H. B.,	Kelso,	Powers,	Wall,
Cohen, R. E.,	Kilroy,	Preston,	Walsh,
Coleman,	Kline,	Readinger,	Wampole,
Coolahan,	Kroll,	Reese,	Watkins,
Corrigan,	LaRue,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weidemann,
Davies,	Levy,	Robinson,	Weiss, D. H.,
Decker,	Lewis,	Rothenberger,	Weiss, S. A.,
DeNote,	Long,	Royer,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Mallen,	Schor,	Wilson,
Eckels,	Marino,	Schrock,	Winner,
Elpern,	Matthews, H. T.,	Schrope,	Wood,
Falkenstein,	Matthews, J. F.,	Schumacher,	Woodside,
Finnerty,	McArdle,	Serrill,	Wright,
Fiss,	McCullough,	Shaw,	Yanoshat,
Fitch,	McDermott,	Shea,	Yeakel,
Flanagan,	McDevitt,	Shepard,	Yourishin,
Flannery,	McElroy,	Shoemaker,	Zappala,
Flinchbaugh,	McFall,	Shugarts,	Furman,
Ganser,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 23. (HOUSE BILL No. 2270).

An Act making an appropriation out of the Motor Fund to carry into effect the provisions of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" and its amendments and defining the purposes for which said appropriation may be expended.

Referred to the Committee on Appropriations.

SENATE BILL No. 189. (HOUSE BILL No. 2271).

An Act to amend section two hundred and two of the act approved the second day of May one thousond nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing additional penalties for killing fish by pollution or explosions.

Referred to the Committee on Fisheries.

SENATE BILL No. 200. (HOUSE BILL No. 2272).

An Act to repeal clauses (c) and (d) of section two thousand and three of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and re-organizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers' Colleges; abolishing, creating, re-organizing and authorizing the re-organizing of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by limiting certain powers of the Department of Highways.

Referred to the Committee on State Government.

SENATE BILL No. 232. (HOUSE BILL No.2273).

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation.

Referred to the Committee on Forestry.

SENATE BILL No. 337. (HOUSE BILL 2274).

An Act relating to memorial halls in counties of the second class erected in memory of the soldiers sailors and marines who served in the Civil War and providing for the use upkeep and management and control of such halls.

Referred to the Committee on Counties.

SENATE BILL No. 415. (HOUSE BILL No. 2275).

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines and providing penalties.

Referred to the Committee on Mines and Mining.

SENATE BILL No. 416. (HOUSE BILL No. 2276).

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties.

Referred to the Committee on Mines and Mining.

SENATE BILL No. 430. (HOUSE BILL No. 2277).

An Act making an appropriation to the Department of Health for the prevention of blindness in infants.

Referred to the Committee on Appropriations.

SENATE BILL No. 436. (HOUSE BILL No. 2278).

An Act to further amend section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 479) entitled as amended "An act to regulate proceudre where a defendant desires to have joined as additional defendants persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or dclayed by questions between the defendant and the additional defendants.

Referred to the Committee on Judiciary General.

SENATE BILL No. 475. (HOUSE BILL No. 2279).

An Act to further amend section seven hundred twenty-three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns township within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making a appropriation and providing for refunds" authorizing boroughs to levy a license fee or tax on certain vehicles under certain circumstances.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 562. (HOUSE BILL No. 2280).

An Act making an appropriation to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission.

Referred to the Committee on Appropriations.

SENATE BILL No. 772 (HOUSE BILL No. 2281).

An Act to amend section four hundred nine of the act, approved the first day of May, one thousand nine hundred twenty-nine, (Pamphlet Laws nine hundred five) entitled, "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, exempting certain non-residents from the provisions of said act regulating equipment on motor vehicles, trailers and semi-trailers.

Referred to the Committee on Motor Vehicles.

SENATE BILL No. 773. (HOUSE BILL No. 2282).

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth including information pertaining to civil rights and constitutional guarantees and conferring powers and duties with respect thereto upon the Department of State.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 785. (HOUSE BILL No. 2283).

An Act authorizing political subdivisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties interest and cost due thereon against claims and accounts due by such political subdivisions.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1105. (HOUSE BILL No. 2284).

An Act concerning proxies authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof.

Referred to the Committee on Railroads and Railways.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1712.

A Supplement to the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1712.

A Supplement to the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district

REQUEST TO USE HALL OF HOUSE WITHDRAWN

Mr. WOODSIDE. Mr. Speaker, a short time ago I asked consent of the House to hold a meeting tomorrow by the Home Rule Association. I understand that it is the custom of the House not grant permission to any person to have a meeting in the House during the period of the session. I think that that is probably a good rule, and the association has very willingly agreed to withdraw their request. I, therefore, withdraw the request to have the use of the hall of the House tomorrow for the Home Rule Association.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY THE SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 744.

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress approved the twenty-ninth day of June one thousand nine hundred thirty-five (Public No 182 74th Congress)

HOUSE BILL No. 958.

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford Pike County Pennsylvania

HOUSE BILL No. 1297.

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county city borough town school district or poor district at any sale for the non-payment of taxes and the reconveyance or private sale of such property

HOUSE BILL No. 1464.

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such Board defining the powers of the Board and fixing the compensation of members and employes thereof providing that the awards of such Board shall be final providing for the payment of awards and authorizing an appropriation

HOUSE BILL No. 1467.

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for the furnishing of the National Flag Code to certain pupils and for the use thereof

HOUSE BILL No. 1568.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sections four hundred and twenty B (420B) four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts

HOUSE BILL No. 1608.

An Act to further amend clause fifty-three of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating contracts by boroughs

HOUSE BILL No. 1609.

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

HOUSE BILL No. 1774.

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance

With the information that the Senate has passed the same without amendment.

BILL PASSED OVER

There being no objection House Bill No. 2149, (Senate Bill No. 373), Printer's No. 419, was passed over at the request of Mr. OMINSKY.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2233, (Senate Bill No. 788), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for a minimum fee for the valuation of life policies

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" be amended to read as follows

Section 211 (As amended by Act of April 7 1927 Pamphlet Laws 161) Fees The Insurance Commissioner shall charge and collect fees as follows For valuation of life policies not exceeding one cent for each thousand dollars of insurance valued but in no case shall the minimum fee be less than ten dollars ($10) for filing copy of charter twenty-five dollars for the filing annual or other statement twenty dollars for license to company association or exchange or certified copy or duplicate thereof two dollars for license as excess insurance broker one hundred dollars for license as insurance broker ten dollars for individual and twenty-five dollars for each license in the name of a copartnership or corporation including individual licenses for any duly qualified individuals without extra charge for officers or solicitors not exceeding three for agents' license for each domestic company association and exchange fifty cents for agents' license for each foreign company association and exchange two dollars for each copy of any paper filed in the department twenty cents per folio and one dollar for certifying the same for any other certificate required two dollars for making examinations the expense of the examination All fees collected shall be daily covered into the State Treasury

On the question,

Will the House agree to the section?

Mr. TUMELTY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 3, by inserting at the end of the line the following: "section two hundred eleven of"

Amend section 1, page 2, line 6, by inserting after the word "either" and before the word "An" the following: "as amended"

Amend section 1, page 3, line 4, by striking out after the word "laws'" and before the word "amended" the word: "[be]" and inserting in lieu thereof the following: "as amended by the act approved the seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws one hundred sixty-one) is hereby further"

Amend section 1, page 3, line 5, by striking out at the end of the line the following: "[(As amended by Act of April 7 1927]"

Amend section 1, page 3, line 6, by striking out at the beginning of the line the following: "[Pamphlet Laws 161)]."

On the question,

Will the House agree to the amendment?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for a minimum fee for the valuation of life policies

On the question,

Will the House agree to the title?

Mr. TUMELTY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 1, line 1 of the title, by striking out at the beginning of the line the word: "[To]"

Amend page 2, line 2 of the title, by striking out at the end of the line the following: "[Amend thte Act ap-]"

Amend page 2 by striking out line 3 of the title.

Amend page 2, line 4 of the title, by striking out at the beginning of the line the following: "[hundred and twenty-one Pamphlet Laws]"

Amend page 2, line 5 of the title, by striking out at the end of the line the following: "[seven hundred eighty-nine entitled 'An act]"

Amend page 2 by striking out lines 6 to 16, inclusive, of the title, and inserting in lieu thereof the following:

"To further amend section two hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing for a minimum fee for the valuation of life policies"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1792, as follows:

An Act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections

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Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the laws relating to general municipal special and primary elections the nomination of candidates primary and election expenses and election contests are hereby codified revised and consolidated as follows

ARTICLE I

Preliminary Provisions

Section 101 Short Title This act shall be known and may be cited as the "Pennsylvania Election Code"

Section 102 Definitions The following words when used in this act shall have the following meanings unless otherwise clearly apparent from the context

(a) The word "candidate" shall unless the context otherwise requires include both candidates for nomination and election

(b) The word "county" shall mean any county of this Commonwealth

(c) The words "county board" or "board" shall mean the county board of elections of any county herein provided for

(d) The words "district election board" or "election board" shall mean the election officers required to conduct primaries and elections in any election district in accordance with the provisions of ths act

(e) The words "district register" shall mean the cards containing all or any part of the registry list of qualified electors of the same election district as prepared by the registration commissions

(f) The word "election" shall mean any general municipal special or primary election unless otherwise specified

(g) The words "election district" shall mean a district division or precinct established in accordance with the provisions of this act within which all qualified electors vote at one polling place

(h) The words "general election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(i) The words "independent nomination" shall mean the selection by an independent political body in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election

(j) The words "municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(k) The word "nomination" shall mean the selection in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election

(l) The words "November election" shall mean either the general or municipal election or both according to the context

(m) The word "oath" shall include affirmation and the word "swear" shall include affirmation and the word "swear" shall include affirm

(n) The word "party" shall mean a political party as defined in section 801 of this act

(o) The words "party nomination" shall mean the selection by a political party in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election

(p) The words "political body" shall mean an independent body of electors as defined in section 801 of this act

(q) The words "polling place" shall mean the room provided in each election district for voting at a primary or election

(r) The words "primary" or "primary election" shall mean any election held for the purpose of electing party

offices and nominating candidates for public offices to be voted for at an election

(s) The words "public office" shall include every public office to which persons can be elected by a vote of the electors under the laws of this State

(t) The words "qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualificatons before the next ensuing election

(u) The words "registered and enrolled members of a political party" shall mean any qualified elector who shall be registered according to political designation in accordance with the provisions of the registration acts

(v) The words "specal election" shall mean any election other than a regular general municipal or primary election

Section 103 Construction (a) The provisions of this act are severable and if any article section or clause of this act or part thereof is held to be unconstitutional the decision shall not be construed to affect or invalidate any other provisions of this act or the act as a whole It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

(b) The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments The repeal by this act of any act of assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability or penalty incurred right accrued or vested or nomination made prior to the taking effect of this act nor shall they affect any suit of prosecution then pending or to be instituted to enforce any right or penalty then accrued or to punish any offense theretofore committed Any person holding office under any act of assembly repealed by this act shall continue to hold such office until the expiration of the term thereof subject to the conditions attached to such office prior to the passage of this act

(c) Whenever in this act reference is made to any other act by title such reference shall be construed to apply to and include any codification or other act of assembly wherein the provisions of the act referred to are substantially re-enacted

(d) Whenever the masculine gender is used in this act it shall be construed to include the feminine

(e) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the date day for said purpose

Section 104 Acts Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation provided for herein for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 105 Effective Date Except as otherwise provided herein this act shall be in force and take effect from and after its final enactment

Section 106 Publication of Notices Whenever under the provisions of this act notice is required to be given by newspaper publication in any county or in any municipal subdivision thereof such notice shall be published in at least two and not more than three newspapers of general circulation as defined in the "Newspaper Advertising Act" approved May 16 1929 (Pamphlet Laws 1784) At least one of said newspapers shall represent the majority party and at least one shall represent the minority party if there be that many published within the limits of such county or municipal subdivision If there are not two such newspapers then publication shall be made in at least either one newspaper of general circulation representing the majority party or at least one newspaper of general circulation representing the minority party whichever is published in such county and at least one newspaper of general circulation representing the other party published in an adjacent county and circulating in such county or municipal subdivision in which such notice is required to be published Whenever such notice relates to any matter or proceeding in court or to the sale of bonds or increase of indebtedness the same shall also be published in the legal newspaper if any in the proper county provided publication can be made therein on the same day or days as publication is made in newspapers of general circulation

ARTICLE II

The Secretary of the Commonwealth

Section 201 Powers and Duties of the Secretary of the Commonwealth The Secretary of the Commonwealth shall exercise in the manner provided by this act all powers granted to him by this act and shall perform all the duties imposed upon him by this act which shall include the following

(a) To determine in accordance with the provisions of this act the forms of nomination petitions and papers expense accounts and all other forms and records the form of which he is required to determine under the provisions of this act

(b) To examine and re-examine voting machines and to approved or disapprove them for use in this State in accordance with the provisions of this act

(c) To certify to county boards of electors for primaries and elections the names of the candidates for President and Vice-President of the United States presidential electors United States senators representatives in Congress and all State offices including senators representatives and judges of all courts of record and delegates and alternate delegates to National conventions and members of State committees and the form and wording of Constitutional amendments or other questions to be submitted to the electors of the State at large

(d) To receive and determine as hereinafter provided the sufficiency of nomination petitions certificates and papers of candidates for President of the United States presidential electors United States senators representatives in Congress and all State offices including senators representatives and judges of all courts of record and delegates and alternate delegates to National conventions and membe s of State committees

(e) To receive such reports from county boards of elections as are required by this act and to demand such additional reports on special matters as he may deem necessary

(f) To receive from county boards of elections the returns of primaries and elections to canvass and compute the votes cast for candidates and upon questions as required by the provisions of this act to proclaim the results of such primaries and elections and to issue certificates of election to the succesful candidates at such elections except in cases where that duty is imposed by law on another officer or board

(g) To perform such other duties as may be prescribed by law

Section 202 Records and Documents to Be Open to Public Inspection The records of the Secretary of the Commonwealth and all returns nomination petitions certificates and papers other petitions accounts contracts reports and other documents and records in his custody shall be open to public inspection and may be inspected and copied by any qualified elector of the State during ordinary business hours at any time when they are not necessarily being used by the Secretary of the Commonwealth or his deputy or employes having duties to perform in reference thereto Provided however That such public inspection thereof shall only be in the presence of the

Secretary of the Commonwealth or his deputy or one of his authorized employes and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 203 Preservation of Records All documents and records in the office of the Secretary of the Commonwealth shall be preserved therein for a period of two years unless otherwise provided in this act

ARTICLE III

County Boards of Elections

Section 301 County Boards of Elections Membership Powers and Duties

(a) There shall be a county board of elections in and for each county of this Commonwealth which shall have jurisdiction over the conduct of primaries and elections in such county in accordance with the provisions of this act

(b) In each county of the Commonwealth the county board of elections shall consist of the county commissioners of such county ex officio except as herein otherwise provided who shall serve without additional compensation as such

Section 302 Powers and Duties of County Boards The county boards of elections within their respective counties shall exercise in the manner provided by this act all powers granted to them by this act and shall perform all the duties imposed upon them by this act which shall include the following

(a) To investigate and report to the Court of Quarter Sessions their recommendations on all petitions presented to the court by electors for the division re-division alteration change or consoldation of election districts and to present to the court petitions for the division re-division alteration change or consolidation of election districts in proper cases

(b) To select and equip polling places

(c) To purchase preserve store and maintain primary and election equipment of all kinds including voting booths ballot boxes and voting machines and to procure ballots and all other supplies for elections

(d) To appoint their own employes voting machine custodians and machine inspectors

(e) To issue certificates of appointment to watchers at primaries and elections

(f) To make and issue such rules regulations and instructions not inconsistent with law as they may deem necessary for the guidance of voting machine custodians election officers and electors

(g) To instruct election officers in their duties calling them together in meeting whenever deemed advisable and to inspect systematically and throughly the conduct of primaries and elections in the several election districts of the county to the end that primaries and elections may be honestly efficiently and uniformly conducted

(h) To pepare and publish in the manner provided by this act all notices and advertisements in connection with the conduct of primaries and elections which may be required by law

(i) To investigate election frauds irregularitites and violations of this act and to report all suspicious circumstances to the district attorney

(j) To receive and determine as hereinafter provided the sufficiency of nomination petitions certificates and papers of candidates for county city borough township ward school district poor district election offices and local party offices required by law or by party rules to be filed with the board

(k) To receive from district election officers the returns of primaries and elections to canvass and compute the same and to certify the results thereof to the Secretary of the Commonwealth as may be provided by law and to such other authorities as may be provided by law

(l) To publicly announce by posting at its office the results of primaries and elections for county city borough township ward school district poor district election offices and party offices if any and to issue certificates of election the the successful candidates for said offices

(m) To prepare and submit an annual report to the Secretary of the Commonwealth in the form prescribed by him which shall contain a statement of the number of electors registered

(n) To annually prepare and submit to the county commisioners or other appropriating authorities of the county an estimate of the cost of primaries and elections and of the expenses of the board for the ensuing fiscal year

(o) To perform such other duties as may be prescribed by law

Section 303 Decisions by Majority Vote Employes

(a) All actions of a county board shall be decided by a majority vote of all the members except as may be otherwise provided herein

(b) Each county board may appoint a chief clerk who shall have authority to administer oaths and to sign vouchers and such other employes and assistants as from time to time the board may deem necessary to carry out the provisions of this act the county board may appoint the chief clerk and other employes of the county commissioners to act as such for the county board of elections without any additional compensation as such

Section 304 Regulations Subpoenas Witnesses Fees

(a) Each county board of elections may make regulations not inconsistent with this act or the laws of this Commonwealth to govern its public sessions and may issue subpoenas summon witnesses compel production of books papers records and other evidence and fix the time and place for hearing any matters relating to the administration and conduct of primaries and elections in the county under the provisions of this act All subpoenas issued by the county board shall be in substantially the same form and shall have the same force and effect as subpoenas issued by the Court of Common Pleas of such county and upon application the board shall be entitled to the benefit of the process of such court if necesary to enforce any subpoena issued by them Each member of the county board shall have the power to administer oaths and affirmations Each person testifying before any county board shall be first duly sworn or affirmed

(b) Any person filing any petition with a county board or opposing the same shall have the priyilege of having subpoenas issued by the board to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents ($2.50) each per day as witness fees in the manner herein provided

(c) Witnesses subpoenaed by the county board shall each also be entitled to daily witness fees at the rate aforesaid to be paid by the board Provided however That election officers clerks machine inspectors overseers and watchers when subpoenaed by the county board to appear before the board sitting for the computation and canvassing of votes cast at an election shall not be entitled to witness fees

(d) No subpoena shall be issued for the benefit of any person other than the county board until he shall have paid the board a fee of twenty-five (25) cents for issuing the same and deposited with the board one day's witness fees for each witness to be summoned thereby whose names shall be given to the board and entered by it in such subpoena and among its records and no such subpoena shall be effective to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the board and unless before four o'clock p. m. of said day the person for whose benefit it be issued shall have deposited with the board an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded postponed or continued on any day the county board shall disburse the fees deposited with it by any persons aforesaid among those witnesses who have appeared in response to subpoenas issued as aforesaid and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any witnesses summoned by the board as aforesaid taking their receipts thereof so long as there are sufficient funds available for such payments The county board shall pay over to the county treasurer all fees received for subpoenas

Section 305 Expenses of County Boards and of Primaries and Elections to Be Paid by County Expenses of Special Elections Boards to Be Provided With Offices

(a) The county commissioners or other appropriating authorities of the county shall appropriate annually and from time to time to the county board of elections of such county the funds that shall be necessary for the maintenance and operation of the board and for the conduct of primaries and elections in such county including the payment of the compensation of the members counsel and employes of the board custodians election officers and other assistants and employes herein provided for any the fees of witnesses as herein provided for the purchase or printing under contracts made by the board of all ballots and other primary and election supplies required by this act or which the board shall consider necessary to carry out the provisions of this act for the purchase under contracts made by the board and maintenance of voting machines when adopted as herein provided and of all other primary and election equipment required by this act, or which the board shall consider necessary to carry out the provisions of this act for the publication of notices authorized by this act under contracts made by the board and for all other necessary expenses hereunder Provided however That bonds or other evidences of indebtedness payable not later than ten years from their dates of issuance may be issued by the county commissioners or other appropriating authorities of the county in accordance with the provisions of law relating to the increase of indebtedness of such county to meet all or any part of the cost of voting machines

1 The county shall be liable for the expenses of holding special elections for any city borough township school district or other municipality or incorporated district contained therein which is held on the day of any general municipal or primary election and on any special question which is required by law to be or which is at the discretion of the county board as hereinafter provided printed on the regular ballot after the list of the candidates or on the same voting machine as the list of candidates

2 Any city borough township school district or other municipality or incorporated district contained in any county holding a special election as authorized by law on the question of increase of indebtedness or any other question to be voted on by the electors of such subdivision which special election is held on the day of any general municipal or primary election and which is required by law to be conducted or at the discretion of the county board as hereinafter provided is conducted by special ballots for such question shall be liable to the county for the expenses necessarily incurred in the printing of such special ballots

3 If any other day than the day of any general municipal or primary election be fixed by the corporate authorities of any municipality school district or incorporated district for the holding of a special election on the question of increase of indebtedness or any other question as authorized by law such municipality school district or incorporated district shall be liable for and pay the entire expense of holding such election including the cost of printing ballots and supplies pay of election officers the rental of polling places and the cost of canvassing and computing the votes cast

(b) The county commissioners or other appropriating authorities of the county shall provide the county board with suitable and adequate offices at the county seat properly furnished for keeping its records holding its public sessions and otherwise performing its public duties and shall also provide such branch offices for the board in cities other than the county seat as may be necessary

Section 306 Counsel Compensation Duties The county solicitor shall serve as counsel for the county board in the several counties of the Commonwealth and shall receive no compensation therefor in addition to his compensation as county solicitor Such counsel shall advise the county board from time to time regarding its powers and duties and the rights of candidates and electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the county board on all appeals taken from its decisions or orders to the court of common pleas as herein provided

Section 307 Acts of Employes The amending of any records by any employe of any county board of elections by order of such board shall be construed to have been done by the board itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 308 Records and Documents to be Open to Public Inspection Proviso The records of each county board of election general and duplicate returns tally papers affidavits of voters and other nomination petitions certificates and papers other petitions appeals witness lists accounts contracts reports and other documents and records in its custody except the contents of ballot boxes and voting machines and records of assisted voters shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the board or its employes having duties to perform thereto Provided however That such public inspection thereof shall only be in the presence of a member or authorized employe of the county board and shall be subject to proper regulation for safe-keeping of the records and documents and subject to the further provisions of this act And provided further that general and duplicate returns tally papers affidavits of voters and others and all other papers required to be returned by the election officers to the county board sealed shall be open to public inspection only after the county board shall in the course of the computation and convassing of the returns have broken such seals and finished for the time their use of said papers in connection with such computation and convassing

Section 309 Preservation of Records All documents papers and records in the office of the county board of elections of each county including official ballots and the contents of ballot boxes shall be preserved therein for a period of at least eleven (11) months and shall be preserved for a greater period if the county board has been notified in writing by the district attorney of the county or by a judge of a court of record to preserve said papers or contents of ballot boxes for a longer period of time for the purposes of pending prosecution or litigation

Section 310 Watchers or Attorneys at Sessions of County Board Candidates May Be Present

(a) Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any registration primary or election shall also be entitled to appoint watchers who are qualified electors of the county or attorneys to represent such party or political body or body of citizens at any public session or sessions of the county board of elections and at any computation and convassing of returns of any primary or election and re-count of ballots or re-canvass of voting machines under the provisions of this act Such watchers or attorneys may exercise the same rights as watchers at registration and polling places but the number who may be present at any one time may be limited by the county boaord to not more than three for each party political body or body of citizens

(b) Every candidate shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any county board whenever any matters which may affect his candidacy are being heard including any computation and canvassing of returns of any primary or election or re-count of ballots or re-canvass of voting machines affecting his candidacy

(c) Any candidate attorney or watcher present at any re-count of ballots or re-canvass of voting machines shall be entitled to examine the ballots or the voting machine and to raise any objections regarding the same which shall be decided by the county board subject to appeal in the manner provided by this act

Section 311 Immunity From Arrest Members of county board of elections and custodians of voting machines shall be privileged from arrest while performing their duties as

such under this act except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 312 Intervention in Suits In any suit brought by or against any county board the Secretary of the Commonwealth shall be permitted to intervene on behalf of the Commonwealth at any stage of the proceedings

ARTICLE IV

District Election Officers

Section 401 District Election Boards Election All primaries and elections shall be conducted in each election district by a district election board consisting of a judge of elections a majority inspector of election and a minority inspector of election assisted by clerks and machine inspectors in certain cases as hereinafter provided The judge and inspectors of election of each election district shall elected by the electors thereof at the municipal election and shall hold office for a term of two years from the first Monday of January next succeeding their election Each elector may vote for one person as judge and for one person as inspector and the person receiving the highest number of votes for judge shall be declared elected judge of election the person receiving the highest number of votes for inspector shall be declared elected majority inspector of election and the person receiving the second highest number of votes for inspector shall be declared elected minority inspected of election

Section 402 Qualifications of Election Officers Election officers shall be qualified registered electors of the district in which they are elected or appointed No person shall be qualified to serve an an election officer who shall hold or shall within two months have held any office appointment or employment in or under the government of the United States or of this State or of any city county borough township incorporated town school district poor district of any municipal board commission or trust in any city save only justices of the peace and aldermen notaries public and persons in the militia service of the State nor shall any election officer be eligible to any civil office to be voted for at a primary or election at which he shall serve except that of an election officer

Section 403 Tie Votes for Judge and Inspector If at any municipal election in any district there shall be a tie vote for the office of judge of election the majority inspector of election elected at said election shall decide the tie vote If at any municipal election in any district there is a tie vote for inspectors the two candidates who receive the same number of votes shall determine by lot which of them shall be the majority inspector and the other candidate shall be the minority inspector and in case of a tie vote also for judge of election at said election the tie shall be decided by the person so determined to be majority inspector

Section 404 Clerks of Election Machine Inspectors Prior to the opening of the polls at each primary and election in districts in which voting machines are not used each inspector shall appoint one clerk to serve at such primary or election One clerk shall be appointed by the minority inspector in each district in which a voting machine or machines are used and in each district in which more than one voting machine is used the county board of elections shall prior to each primary and election appoint for each additional voting machine to be used in such district one qualified registered elector of the county to serve as machine inspector therein for such primary or election The qualifications of clerks and machine inspectors shall be the same as herein provided for election offices

Section 405 Vacancies in Election Boards Appointment Judge and Majority Inspector to Be Members of Majority Party Minority Inspector to Be Member of Minority Party The first election board for any new district shall be selected and vacancies in election boards existing by reason of the disqualification removal resignation or death of an election officer or from any other cause occurring prior to the day of any primary or election shall in all cases be filled by appointment by the Court of Quarter Sessions of the proper county of competent persons qualified in accordance with the provisions of this act who shall serve until their successors are elected at the next succeeding municipal election Provided however That any district election officer who after his election or appointment changes his political affiliation shall not thereby become disqualified to serve on said election board and shall not thereby be subject to removal In making such appointments the Court of Quarter Sessions shall receive and consider any petitions filed by qualified electors of the district affected and shall make no appointment to fill any vacancy occurring more than five days before any primary or election unless notice of the time at which they will make such appointment shall have been posted on the polling place of such district and in the immediate vicinity thereof at least five days prior thereto In the appointment of inspectors in any election district both shall not be of the same political party at the time of said appointment but one shall be of the party having the largest number of votes and the other shall be of the party having the second largest number of votes in said district at the last preceding November election as nearly as the judge or judges can ascertain the fact The judge of election shall in all cases of appointment be of the political party having the majority of votes in said district at the last preceding November election as nearly as the judge or judges can ascertain the fact Immediately upon the entry of an order of court filling any vacancy on an election board the clerk of said court shall forthwith transmit a certified copy of said order to the county board giving the name and address of said appointee

Section 406 Election Officers to Be Sworn All judges inspectors clerks of election and machine inspectors shall before entering upon their duties at any primary or election be duly sworn in the presence of each other and of the watchers and overseers if any The judge shall first be sworn by the minority inspector or by a magistrate alderman or justice of the peace and the inspectors clerks and machine inspectors shall then be sworn by the judge Each of them shall forthwith sign in duplicate the oath taken by him upon forms to be furnished by the county board and the same shall be attested by the officer who administered the oath

Section 407 Oath of Judge of Election The following shall be the oath of each judge of election

"I (John Doe) do swear (or affirm) that I will as judge duly attend the ensuing election (or primary) during the continuance thereof and in cooperation with the inspectors faithfully carry on the same that I will not give my consent to the admission of any person to vote except such as I firmly believe to be registered and entitled to vote at such election (or primary) according to the provisions of the Constitution and laws of this Commonwealth and that I will use my best endeavors to prevent any fraud deceit or abuse in carrying on the same and that I will make a true and perfect return of the said election (or primary) and will at all times impartially and faithfully perform my duty respecting the same to the best of my judgment and ability and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary)"

Section 408 Oaths of Inspectors of Election The following shall be the form of the oath to be taken by each inspector

"I (John Doe) do swear (or affirm) that I will as an inspector duly attend the ensuing election (or primary) during the continuance thereof and that I will not admit any person to vote except such as I shall firmly believe to be registered and entitled to vote at such election (or primary) according to the provisions of the Constitution and laws of this Commonwealth that I will not vexatiously delay or refuse to permit any person to vote whom I shall believe to be entitled to vote as aforesaid that I will make a true and perfect return of the said election (or primary) and that I will in all things truly impartially and faithfully perform my duties therein to the best of my judgment and ability and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary)"

Section 409 Oaths of Clerks of Election The following shall be the form of the oath to be taken by each clerk

"I (John Doe) do swear (or affirm) that I will as a clerk attend the ensuing election (or primary) during the continuance thereof that I will carefully and truly record the number of votes that shall be given for each candidate at the election (or primary) as often as his name shall be read to me by the judge or inspectors thereof and in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary)"

Section 410 Oath of Machine Inspectors The following shall be the form of the oath to be taken by each machine inspector

"I (John Doe) do swear (or affirm) that I will as a machine inspector attend the ensuing election (or primary) during the continuance thereof that I will in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary)"

Section 411 Power of Election Officers to Administer Oaths. The judge and inspectors of election shall each have the power to administer oaths to any person claiming the right to vote or to his witnesses or in any matter or thing required to be done or inquired into by them under this act

Section 412 Compensation of Election Officers (a) In Counties of the first and second classes the compensation of judges of election shall be fifteen ($15.00) dollars and the compensation of inspectors clerks and machine inspectors shall be ten ($10.00) dollars for each primary and election

(b) In counties of the third fourth fifth sixth seventh and eighth classes the minimum compensation of judges inspectors clerks and machine inspectors shall be five ($5.00) dollars for each primary and election In any election district in such counties in which more than one hundred votes are cast at any primary or election they shall each receive additional compensation at the rate of one ($1.00) dollar for each one hundred votes or fraction thereof cast after the first one hundred votes the maximum compensation in such districts however being ten ($10.00) dollars

(c) For transmitting returns of primaries and elections and the ballot box or boxes all judges of election shall be entitled to receive the additional sum of two dollars and fifty cents ($2.50) as full compensation for said services

(d) For transmitting the ballot box or boxes together with the judge of election as herein provided the minority inspector of election shall be entitled to an additional sum of two dollars and fifty cents ($2.50) as full compensation for said services

(e) When a primary and special election or a special and general or municipal election take place on the same day they shall be construed as one election for the purposes of this section

Section 413 Election Officers Clerks Machine Inspectors and Overseers Privileged From Arrest District election officers clerks machine inspectors and overseers shall be privileged from arrest upon days of primaries and elections and while engaged in making up and transmitting returns except upon the warrant of a court of record or judge thereof for an election fraud for felony or for wanton breach of the peace

Section 414 Instruction of Election Officers in Voting Machine Districts Unqualified Officers not to Serve In districts in which voting machines are to be used the county board of elections or the custodians appointed by them shall instruct in the use of the machines and in their duties in connection therewith all judges and inspectors of election and machine inspectors who are to serve at the primary or election and who have not been previously instructed and found qualified and they shall give to each judge inspector and machine inspector who has received such instruction and is found qualified to conduct such primary or election with the voting machine a certificate to that effect For the purpose of giving such instructions the county boards shall call such meeting or meetings of election officers as shall be necessary Each judge inspector and machine inspector shall upon notice attend such meeting or meetings called for his instruction and receive such instruction as shall be necessary for the proper conduct of the primary or election with voting machines and as compensation for the time spent in receiving such instruction each judge inspector and machine inspector who shall qualify for and serve at such primary or election shall receive the sum of five ($5.00) dollars to be paid to him at the same time and in the same manner as compensation is paid to him for his services on election day No judge inspector or machine inspector shall serve at any primary or election at which a voting machine is used unless he shall have received such instructions shall have been found qualified to perform his duties in connection with the machine and shall have received a certificate to that effect from the county board or one of the custodians appointed by them Provided however That this shall not prevent the appointment of a judge or inspector of election or machine inspector to fill a vacancy arising on the day of election or on the preceding day

Section 415 Overseers of Election On the petition of five or more duly registered electors of any election district setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of any primary or election in said district it shall be the duty of the court of common pleas of the proper county all the law judges of the said court able to act at the time concurring to appoint two judicious sober and intelligent electors of the said district belonging to different political parties overseers of election to supervise the proceedings of election officers thereof and to make report of the same as they may be required by such court Said overseers shall be persons qualified to serve upon election boards but shall not be required to comply with the provisions of section 414 of this act They shall be sworn or affirmed by the judge of election to the faithful discharge of their duties and each shall sign said oath in duplicate and shall have the right to be present with the officers of such primary or election within the enclosed space during the entire time the same is held the votes counted and the returns made out and signed by the election officers to keep a list of voters if they see proper to challenge any person offering to vote and interrogate him and his witnesses under oath in regard to his right to suffrage at said primary or election and to examine his papers produced Overseers shall sign returns of elections as hereinafter required Whenever the members of an election board shall differ in opinion the overseers if they shall be agreed thereon shall decide the question of difference

Section 416 Driving Away Overseers Effect Election officers are required to afford to said overseers so selected and appointed every convenience and facility for the discharge of their duties If said election officers shall refuse to permit said overseers to be present and to perform their duties as aforesaid or if the overseers shall be driven away from the polls by violence or intimidation all the votes polled in such election district may be rejected by the proper tribunal trying a contest of the said primary or election or a part or portion of such votes aforesaid may be counted as such tribunal may deem necessary to a just and proper disposition of the case

Section 417 Appointment of Watchers

(a) Each candidate for nomination or election at any primary shall be entitled to appoint two watchers in each election district in which such candidate is voted for Each political party and each political body which has nominated candidates in accordance with the provisions of this act shall be entitled to appoint three watchers at any November election in each election district in which the candidates of such party or political body are to be voted for Such watchers shall be appointed without expense to the county

(b) All watchers so appointed must be qualified registered electors of the district in which they are authorized to act Only one watcher for each candidate at primaries or for each party or political body at November elections shall be allowed to remain in the polling place at any one time prior to the close of the polls and all

watchers in the room shall remain outside the enclosed space After the close of the polls and while the ballots are being counted or voting machine canvassed all the watchers shall be permitted to be in the polling place outside the enclosed space Each candidate political party or political body entitled to appoint watchers shall upon request receive from the county board the number of watcher's certificates to which he or they are entitled Said certificates shall be delivered by the county board in blank and the candidate political party or political body shall insert therein the watchers name and the name of the candidate party or body he represents Watchers shall be required to show their certificates when requested to do so Watchers allowed in the polling place under the provisions of this act shall be permitted to keep a list of voters and shall be entitled to challenge any person making application to vote and to require proof of his qualifications as provided by this act

(c) No candidate or committee of a political party or of a political body nor any other person or persons shall pay to any watcher in any election district in a city compensation in excess of ten ($10.00) dollars per diem or to any watcher in any other election district compensation in excess of five ($5.00) dollars per diem

ARTICLE V

Election Districts and Polling Places

(a) Election Districts

Section 501 Township Boroughs and Wards to Constitute Election Districts Each borough and township not divided into wards and each ward of every city borough and township now existing or hereafter created shall constitute a separate election district unless divided into two or more election districts as hereinafter provided

Section 502 Court to Create New Election Districts Subject to the provisions of section 501 of this act the Court of Quarter Sessions of the county in which the same are located may divide or redivide any borough township or ward into two or more election districts of compact and contiguous territory or alter the bounds of any election district or form an election district out of two or more adjoining districts or part of districts or consolidate adjoining election districts so as to suit the convenience of the electors and to promote the public interests Election districts formed in boroughs townships and wards in which voting machines are used shall contain between six hundred (600) and eight hundred (800) registered electors as nearly as may be No election district shall be formed that shall contain less than one hundred (100) registered electors

Section 503 Petitions for New Election Districts Reference to County Board of Elections Report Upon the petition of twenty electors of any township borough ward or election district to the Court of Quarter Sessions of the proper county praying for the division or re-division of such township borough ward or election district into two or more election districts or for the alteration of the bounds of any election district or for the formation of one or more election districts out of two or more existing election districts or parts thereof or for the consolidation of adjoining election districts the said court shall refer the said petition to the county board of elections which shall make a full investigatin of the facts and shall report to the next term of the court its recommendations as to the division alteration formation or consolidation of election districts prayed for If the county board shall find that a division alteration formation or consolidation of election the public interests it shall recommend a proper division district will promote the convenience of the electors and re-division alteration formation or consolidation of election districts and shall accompany its report with a map plot or draft of the new election district or districts proposed by it if the same cannot be fully designated by natural lines Such petitions may specify the boundaries desired by the petitioners and may be accompanied by a map setting forth such boundaries

Section 504 Petitions by County Board Action by Court of Quarter Sessions on Petition or Report The county board of elections may also petition the Court of Quarter Sessions for the division or re-division of any township borough ward or election district into two or more election districts or for the alteration of the bounds of any election district or for the formation of one or more election districts out of two or more existing election districts or parts thereof or for the consolidation of adjoining election districts accompanying its petition by a description of the proposed new election districts and by a map plot or draft thereof if the same cannot be fully designated by natural lines Upon the presentation of any such petition by the county board or upon the filing by the board of its report and recommendations as to any petition presented by qualified electors under the provisions of section 503 of this act the Court of Quarter Sessions may make such order for the division re-division alteration formation or consolidation of election districts as will in its opinion promote the convenience of electors and the public interests Provided however That the court shall not make any final order for the division re-division alteration formation or consolidation of election districts until at least ten days after notice shall have been posted in at least five public and conspicuous places in the district or districts to be affected thereby one of which notices shall be posted on or in the immediate vicinity of the polling place in each such district Such notice shall state in brief form the division re-division alteration formation or consolidation of election districts recommended by the county board and the date upon which the same will be considered by the court and shall contain a warning that any person objecting thereto must file his objections with the clerk of the court prior to such date Upon the making of any such final order by the court a copy thereof shall be certified by the clerk to the county board of elections

Section 505 Court in its Order to Appoint Election Officers In all cases in which any Court of Quarter Sessions shall make a final order for the division re-division alteration formation or consolidation of an election district or districts said court shall in its order appoint the district election board or boards for holding elections in said district or districts until an election board shall have been elected according to law

Section 506 Cost of Proceedings In all cases of the division re-division alteration formation or consolidation of election districts by the Court of Quarter Sessions the costs of the proceedings shall be paid by the county

(b) Polling Places

Section 526 Polling Places to Be Selected by County Board

(a) The county board of elections shall select and fix the polling place within each new election district and may at any time for any reason that may seem proper to it either on its own motion or on petition of ten qualified electors of an election district change the polling place within any election district Except in case of an emergency or unavoidable event occuring within ten days of a primary or election which renders any polling place unavailable for use at such primary or election the county board shall not change any polling place until at least five days after notice of the proposed change shall have been posted on the existing polling place and in the immediate vicinity thereof and until at least five days after written notice of the proposed change shall have been given to the occupant or owner of said polling place or their agent

(b) Except in case of emergency or unavoidable event occurring within ten days of a primary or election which renders any polling place unavailable for use if a petition be presented to the county board on or before the day set for hearing of the petition for change of polling place signed by a majority of the registered electors of the district objecting to the proposed change said change shall not be ordered

Section 527 Public Buildings to Be Used Where Possible Portable Polling Places (a) In selecting polling places the county board of elections shall whenever possible and practicable select school houses municipal buildings or rooms or other public buildings for that purpose Any board of public education or school directors or county or

the municipal authorities shall upon request of the county board make arrangements for the use of school property or of county or municipal property for polling places Provided however That such use shall not interfere with the use of such buildings for the purposes for which they are primarily intended

(b) The board in its discretion may procure and provide portable or movable polling places of adequate size and facilities for any or all election districts

Section 528 Temporary Polling Places If in any election district no proper polling place can be obtained the county board of elections shall cause to be constructed for such district a temporary room of adequate size to be used as a polling place

Section 529 Polling Places in Buildings or Rooms Where Malt or Brewed Beverages or Liquors Sold Prohibited No election shall be held in any room or building any part of which is used for the sale or serving of malt or brewed beverages or liquors

Section 530 Equipment and Arrangement of Polling Places Guard Rail Number of Voting Compartments or Voting Machines

(a) The county board of elections shall cause all rooms used as polling places to be suitably provided with heat and light and in districts in which ballots are used with a sufficient number of voting compartments or booths with proper supplies in which electors may conveniently mark their ballots with a curtain screen or door in the upper part of the front of each compartment or booth so that in the marking thereof they may be screened from the observation of others Every polling place shall consist of a single room every part of which is within the unobstructed view of those present therein and shall be furnished with a guard rail or barrier enclosing the inner portion of the said room which guard rail or barrier shall be so constructed and placed that only such persons as are inside said rail or barrier can approach within six feet of the ballot box and voting compartments or booths or voting machines as the case may be The ballot box and voting compartments or booths shall be so arranged in the voting room within the enclosed space as to be in full view of those persons in the room outside the said guard rail or barrier The voting machine or machines shall be so placed in the voting room within the enclosed space that unless its construction shall otherwise require the ballot labels on the face of the machine can be plainly seen by the election officers overseers and watchers when the machine is not occupied by an elector

(b) The number of voting compartments to be furnished to each polling place shall not be less than one for every 100 voters or fraction thereof and in no case less than three The number of voting machines to be furnished in districts in which voting machines are used shall be not more than one machine for each three hundred and fifty (350) registered voters or fraction thereof nor less than one machine for each six hundred (600) registered voters or fraction thereof in such election district

(c) The county board may make such arrangements as it deems proper for the storage of election equipment in the various election districts of the county at such times of the year that it will not be used for election purposes and may fix reasonable compensation therefor

Section 531 Compensation for Rent Heat and Light The county board of elections shall fix the compensation for rent heat light and janitorial services to be paid for the use of polling places for primaries and elections Provided however That no compensation for rent heat or light shall be paid in the case of school houses fire houses municipal buildings or rooms or other public buildings used as polling places

ARTICLE VI

Dates of Elections and Primaries and Special Elections

(a) November Elections and Preceding Primaries

Section 601 General Election Officers to Be Elected The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year Electors of President and Vice-President of the United States United States Senators Representatives in Congress the Governor the Lieutenant-Governor the Secretary of Internal Affairs the Auditor General and State Treasurer and Senators and Representatives in the General Assembly shall be elected at the General election Judges of the Supreme Court and the Superior Court may be elected at the general election

Section 602 Municipal Election Officers to be Elected The municipal election shall be held biennially on the Tuesday next following the first Monday of November in each odd-numbered year All judges of courts of record of the various judicial districts and counties and all county city borough township ward school district poor district and election officers shall be elected at the municipal election Judges of the Supreme Court and the Superior Court may be elected at the municipal election

Section 603 Spring Primary Candidates to Be Nominated and Party Officers to Be Elected There shall be a spring primary preceding each general election which shall be held on the third Tuesday of May in all even-numbered years except in the year of the nomination of a President of the United States in which year the spring primary shall be held on the fourth Tuesday of April Candidates for all offices to be filled at the ensuing general election shall be nominated at the spring primary Delegates and alternate delegates to national party conventions members of State committees and such other party committeemen and officers including members of the national committee as may be required by the rules of the several political parties to be elected by a vote of the party electors shall be elected at the spring primary The vote for candidates for the office of President of the United States as provided for by this act shall be cast at the spring primary

Section 604 Fall Primary Officers to Be Nominated There shall be a fall primary preceding each municipal election which shall be held on the second Tuesday of September in all odd-numbered years Candidates for all offices to be filled at the ensuing municipal election shall be nominated at the fall primary

Section 605 Elections on Proposed Constitutional Amendments Unless the General Assembly shall prescribe otherwise with respect to any particular proposed amendment or amendments and the manner and time of submitting to the qualified electors of the State any proposed amendment or amendments to the Constitution for the purpose of ascertaining whether the same shall be approved by a majority of those voting thereon the said amendment or amendments which have heretofore or which may hereafter be proposed and which have not been submitted to the qualified electors of the State shall be submitted to the qualified electors of the State for the purpose aforesaid at the first municipal or general election at which such amendment or amendments may be legally submitted to the electors which election shall occur at least three months after the date upon which such proposed amendment or amendments shall have been agreed to for the second time by a majority of the members elected to each house of the General Assembly as provided in Article eighteen section one of the Constitution Said election shall be conducted on said election day in the manner prescribed by the provisions of this act Such proposed constitutional amendments shall be printed on the ballots or ballot labels in brief form to be determined by the Secretary of the Commonwealth with the approval of the Attorney General

(b) Special Elections

Section 626 Special Elections for United State Senator Nominations Whenever a vacancy shall occur in the office of United States Senator said vacancy shall be filled for the unexpired term by the vote of the electors of the State at a special election to be held at the time of the next general or municipal election occurring at least forty (40) days after the happening of such vacancy and it shall be the duty of the Governor to issue writs of election to the various county boards of elections and to the Secretary of the Commonwealth accordingly Candidates to fill vacancies in the office of United States Senator shall be nominated by political parties in accordance

with the party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section 630 of this act and by political bodies by means of nomination papers in accordance with the provisions of sections 951 952 and 954 of this act Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth at least thirty (30) days prior to the date of said special election Until such time as said vacancy shall be filled by an election as herein provided the Governor of the Commonwealth may make a temporary appointment to fill said vacancy

Section 627 Special Elections for Representative in Congress Whenever a vacancy shall occur or exist in the office of Representative in Congress from this State during a session of Congress or whenever such vacancy shall occur or exist at a time when the members of Congress shall be required to meet at any time previous to the next general election the Governor shall issue within ten days after the happening of said vacancy or after the calling of an extraordinary session of Congress during the existence of said vacancy a writ of election to the proper County Board or Boards of Election and to the Secretary of the Commonwealth for a special election to fill said vacancy which election shall be held on a date named in said writ which shall not be less than thirty (30) days after the issuance of said writ In all other cases no such special election to fill said vacancy shall be held The Governor may fix in such writ of election the date of the next ensuing primary or municipal election as the date for holding any such special election

Section 628 Special Elections for Senator and Representative in the General Assembly Whenever a vacancy shall occur or exist in either house of the General Assembly during the session thereof or whenever such vacancy shall occur or exist at any time previous to the next general election the presiding officer of such house shall issue within ten days after the happening of said vacancy or after the calling of an extraordinary session of the legislature during the existence of said vacancy a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth for a special election to fill said vacancy which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ In all other cases no such special election to fill said vacancy shall be held The presiding officer may fix in such writ of election the date of the next ensusing primary or municipal election as the date for holding any such special election

Section 629 Nominations for special Election for Representative in Congress Senator and Representative in the General Assembly Candidates to fill vacancies in the offices of Representative in Congress and Senator and Representative in the General Assembly shall be nominated by political parties in accordance with the party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section 630 of this act and by political bodies by means of nomination papers in accordance with the provisions of sections 951 942 and 954 of this act Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth not later than ten (10) days after the issuance of the writ of election

Section 630 Number Form and Requirements of Nomination Certificates Each political party shall be entitled to nominate and to file nomination certificates for as many candidates as will be voted for at such special election Every nomination ceritficate for a special election to fill a vacancy in the offices of United States Senator Representative in Congress and Senator and Representative in the General Assembly shall be in form prescribed by the Secretary of the Commonwealth and shall set forth the following

(a) The office and district if any for which it is filed

(b) The cause of the vacancy

(c) The rule or rules of the political party setting forth the provisions applicable to the nomination of a candidate or candidates to fill said vacancy

(d) That a quorum of the committee caucus or convention as provided by the party rules duly convened and the names of those present at said meeting or their proxies that said persons are the duly appointed or elected members of said committee caucus or convention

(e) The name residence and occupation of the candidate duly nominated at said meeting

Every such certificate of nomination shall be signed by the presiding officer and the secretary or secretaries of the committees caucus or convention and shall be sworn or affirmed to by them before any officer qualified to administer oaths

Section 631 Examinations of Nomination Certificates and Nomination Papers by the Secretary of the Commonwealth Review It shall be the duty of the Secretary of the Commonwealth to examine as to legal sufficiency in the manner and under the provisions of section 976 of this act all nomination certificates and nomination papers brought to his office for the purpose of filing for the nomination of candidates for a special election as herein provided and if manifestly defective they shall not be filed The action of the Secretary of the Commonwealth in refusing to accept and file any such certificate or paper may be revied by the Court of Common Pleas of Dauphin County upon an application for mandamus to compel its reception and filing as of the date when it was brought to said office No such certificate of nomination or nomination papers shall be refused by the Secretary of the Commonwealth except for any of the reasons provided for in section 976 of this act

Section 632 Objections to Certificates of Nomination and Nomination Papers Filed for a Special Election Hearing Determination All certificates of nomination and nomination papers to fill a vacancy as herein provided which have been accepted and filed shall be deemed to be valid unless objections thereto are duly made in writing and filed in the Court of Common Pleas of Dauphin County and with the Secretary of the Commonwealth and within five (5) days succeeding the last day for filing such certificates or papers Any objections shall set forth specifically the matters objected to Upon the filing of the objections the court shall make an order fixing a time for hearing which shall not be later than ten (10) days after the last day for filing nomination certificates or papers and specifying the time and manner of notice that shall be given to the candidate named in the nomination certificate or paper objected to On the day fixed for said hearing the court shall proceed without delay to hear said objections and shall give such hearing precedence over any other business before it and shall finally determine said matter not later than fifteen (15) days after the last day for filing said nomination certificates or papers In determining such matter the court shall be governed in its order or decree by the provisions of section 977 of this act

Section 633 Withdrawals of Candidates Nominated for a Special Election Any person who has been nominated by any political party or political body for a special election as herein provided may withdraw his name from nomination by a request in writing signed by him and acknowledged before an officer qualified and empowered to administer oaths and filed in the office of the Secretary of the Commonwealth within three (3) days next succeeding the last day for filing nomination certificates or papers Such withdrawals to be effective must be received at the office of the Secretary of the Commonwealth not later than five (5) o'clock p m on the last day for filing same No name so withdrawn shall be printed on the ballot or ballot labels No candidate may withdraw any withdrawal notice already received and filed and thereby reinstate his nomination

Section 634 Substituted Nominations for Special Elections

(a) Any vacancy happening or existing in any party nomination for a special election by reason of the death or withdrawal of any candidate may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket in the form prescribed by section 630 of this act

(b) In case of the death or withdrawal of any can-

didate nominated by a political body for a special election the committee named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form prescribed by section 980 of this act

(c) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated for a special election shall be filed with the Secretary of the Commonwealth not later than seven (7) days after the last day for filing the original nomination certificates or papers

(d) Substituted nomination certificates to fill vacancies caused by the death of candidates nominated for a special election shall be filed in the office of the Secretary of the Commonwealth at any time prior to the day in which the printing of ballots is started

Section 635 Objections to Substituted Nomination Certificates for Special Election All substituted nomination certificates for special elections may be objected to as provided in section 977 of this act except that objections to substituted nomination certificates must in any case be filed within three (3) days after the filing of the substituted nomination certificate Provided however That no objection as to form and conformity to law shall be received after the day on which the printing of ballots is started

Section 636 Certification by Secretary of the Commonwealth of Candidates for Special Elections The Secretary of the Commonwealth shall not later than the twelfth (12th) day next preceding the day fixed for any special election to fill a vacancy in the offices of United States Senator Representative in Congress Senator and Representative in the General Assembly certify to the proper county board or boards the names and residences of and parties or political bodies represented by all candidates whose nomination certificates or papers have bill filed with him as herein provided for such election and have not been found and declared invalid and to be voted for in the county or any district or districts thereof substantially in the form of the ballots to be used therein

Section 637 Conduct of Special Elections Every special election held under the provisions of this article shall be held and conducted in all respects in accordance with provisions of this act relating to November elections and the provisions of this act relating to November elections shall apply thereto in so far as applicable and not inconsistent with any other provisions of this act All such special elections held at the time of a regular primary or November election shall be conducted by the election officers by the use of the same equipment and facilities so far as practicable as are used for such primary or November election

ARTICLE VII

Qualifications of Electors

Section 701 Qualifications of Electors Every citizen of this Commonwealth twenty-one years of age possessing the following qualifications shall be entitled to vote at all elections provided he or she has complied with the provisions of the acts requiring and regulating the registration of electors

(1) He or she shall have been a citizen of the United States at least one month

(2) He or she shall have resided in the State at least one year (or having previously been a qualified elector or native born citizen of the State he or she shall have removed therefrom and returned then six months) immediately preceding the election

(3) He or she shall have resided in the election district where he or she shall offer to vote at least two months immediately preceding the election

Section 702 Qualifications of Electors at Primaries The qualifications of electors entitled to vote at primaries shall be the same as the qualifications of electors entitled to vote at elections within the election district where the primary is held provided that no elector who is not registered and enrolled as a member of a political party in accordance with the provisions of this act shall be permitted to vote the ballot of such party or any other party ballot at any primary

Section 703 Residence of Electors For the purpose of registration and voting no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence while employed in the service either civil or military of this State or of the United States nor while engaged in the navigation of the waters of the State or of the United States or on the high seas nor while a student of any institution of learning nor while kept in any poor house or other asylum at public expense nor while confined in public prison

Section 704 Rules for Determining Residence In determining the residence of a person desiring to register or vote the following rules shall be followed so far as they may be applicable

(a) That place shall be considered the residence of a person in which his habitation is fixed and to which whenever he is absent he has the intention of returning

(b) A person shall not be considered to have lost his residence who leaves his home and goes into another State or another election district of this State for temporary purposes only with the intention of returning

(c) A person shall not be considered to have gained a residence in any election district of this State into which he comes for temporary purposes only without the intention of making such election district his permanent place of abode

(d) The place where the family of a married man or woman resides shall be considered and held to be his or her place of residence except where the husband and wife have actually separated and live apart in which case the place where he or she has resided for two months or more shall be considered and held to be his or her place of residence

(e) If a person removes to another State with the intention of making such State his permanent residence he shall be considered to have lost his residence in this State

(f) If a person removes to another State with the intention of remaining there an indefinite time and making such State his place of residence he shall be considered to have lost his residence in this State notwithstanding he may entertain an intention to return at some indefinite future period

(g) If a person removes to the District of Columbia or other federal territory or foreign country to engage in the government service he shall not be considered to have lost his residence in this State during the period of such service and the place where the person resided at the time of his removal shall be considered and held to be his place of residence

(h) If a person goes into another State and while there exercises the right of a citizen by voting he shall be considered to have lost his residence in this State

ARTICLE VIII

Party Organization

Section 801 Definition of Political Parties and Political Bodies

(a) Any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate is hereby declared to be a political party within the State and shall nominate all its candidates for any of the offices provided for in this act and shall elect its delegates and alternate delegates to the National convention State committeeman and also such party officers including members of the National committee as its rules provide shall be elected by a vote of the party electors in accordance with the provisions of this act

(b) Any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at last five per centum of the largest entire vote cast for any elected candidate in any county is hereby declared to be a political party within said county and shall nominate all its candidates for office in

such county and in all political districts within said county or of which said county forms a part and shall elect such party officers as its rules provide shall be elected therein by a vote of the party electors in accordance with the provisions of this act

(c) Any political body which is not a political party as hereinabove defined but which has nominated candidates for such general or municipal election by nomination papers in the manner provided by this act shall be deemed to be a political body within the meaning of this act but such political body shall not be entitled to nominate its candidates or elect its party officers at primaries held under the provisions of this act

Section 802 Only Enrolled Electors to Vote at Primaries or Hold Party Offices No person who is not registered and enrolled as a member of a political party shall be entitled to vote at any primary of such party or to be elected or serve as a party officer or a member or officer of any party committee or delegate or alternate delegate to any party convention

Section 803 State Committees Election at Spring Primaries There shall be a State committee for each political party in the State who shall be elected at the spring primary and shall serve for two years Each senatorial district shall be entitled to elect two (2) members of the State committee except where a senatorial district is composed of more than one county or composed of one or more counties and part or parts of another county or other counties in which event the party electors residing in each county or part of a county embraced in the senatorial district shall be entitled to elect one member of the State committee

Section 804 Organization of State Committee Rules The members of the State committee elected at the spring primary shall meet for organization not later than the fifth Wednesday following their election at such hour and place as shall be designated by the State chairman of each political party The State committee of each political party may make such rules for government of the party in the State not inconsistent with law was it may deem expedient and may also revoke alter or renew in any manner not inconsistent with law any present or future rules of such political party No such rules shall be effective until a certified copy thereof has been filed in the office of the Secretary of the Commonwealth

Section 805 Filling of Vacancy in State Committee Vacancies happening at any time in the office of member of the State committee shall be filled according to the rules of the party

Section 806 Election of National Committeemen National committeeman shall be elected and vacancies happening at any time in said office shall be filled by the State committee of the proper party unless the rules of the national party otherwise provide in which case such committeemen shall be elected and vacancies be filled in the manner provided by the rules of the national party

Section 807 County Committees Rules Other Party Officers There may be in each county a county committtee for each political party within such county the members of which shall be elected at the spring primary or appointed as the rules of the respective parties within the county may provide The county committee of each party may make such rules for the government of the party in the county not inconsistent with law or with the State rules of the party as it may deem expedient and may also revoke alter or renew in any manner not inconsistent with law or with such State rules any present or future county rules of such party No such rules shall be effective until a certified copy thereof has been filed in the office of the county board of elections The members of all other party committees and all other party officers whose election is required by the party rules shall also be elected at the spring primary in the manner provided by this act

Section 808 Election of Delegates and Alternate Delegates Delegates and alternate delegates tc National conventions of the respective parties shall be elected at th spring primaries held in the years in which candidates for President of the United States are to be nominated

Section 809 Delegates Elected to National Conventions Candidates of the various political parties for the office of delegates and alternate delegates at large to a National party convention who receive a plurality of the votes of their party electors in the State at large shall be the duly elected delegates and alternate delegates at large to the National convention of their respective parties Candidates of the various political parties for the office of delegate and alternate delegate other than delegate and alternate delegate at large who receive a plurality of the votes of their party electors in the political district in which they are candidates shall be duly elected delegates and alternate delegates to the National convention of their respective parties

Section 810 Who Shall be Declared Elected Members of National or State Committee and Party Offices Candidates of the various political parties for the office of member of the State committee or for the office of member of the National Committee in cases where the rules of the party provide that such office shall be filled by a vote of the party electors who receive a plurality of the votes of the party electors at a primary shall be the duly elected members of the State or National committee as the case may be of their respective parties Candidates for other party offices who receive a plurality of the votes of the party electors at a primary shall be the party officers of their respective parties

Section 811 Party Officer Elected in Case of Tie Vote In the case of a tie vote for any party office the candidates receiving the tie vote shall cast lots before the county board or the Secretary of the Commonwealth as the case may be at twelve (12) o'clock noon on the third Friday following the primary and the one to whom the lot shall fall shall be entitled to the election In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday following the primary the day for casting lots shall be the second day after the fact of such tie vote is authoritatively determined If any candidate or candidates receiving a tie vote fail to appear before twelve (12) o'clock noon on said day the county board or the Secretary of the Commonwealth as the case may be shall cast lots for him or them For the purpose of casting lots any candidate may appear in person or by proxy appointed in writing

ARTICLE IX

Nomination of Candidates

(a) Nomination of Party Candidates at Primaries

Section 901 Determination and Certification of Statewide and County-wide Parties (a) The Secretary of the Commonwealth shall determine which organizations are political parties within the State within the meaning of section 801 (a) of this act and not later than the tenth Tuesday preceding each primary shall transmit to each county board a list of said political parties which shall be entitled to nominate candidates at primaries

(b) Each county board shall determine which organizations are political parties within the county within the meaning of section 801 (b) and not later than the tenth Tuesday preceding each primary shall transmit to the Secretary of the Commonwealth a list of said political parties which shall be entitled to nominate candidates at primaries in said county

Section 902 Candidates to be Nominated and Party Officers to Be Elected at Primaries All candidates of political parties as defined in section 801 of this act for the offices of United States Senator Representative in Congress and for all other elective public offices within this State except that of presidential electors shall be nominated and party delegates and alternate delegates committeemen and officers who under the provisions of Article VIII of this act or under the party rules are required to be elected by the party electors shall be elected at primaries held in accordance with the provisions of this act and in no other manner In the years when candidates for the office of President of the United States are to be nominated every registered and enrolled member of a political party shall have the opportunity at the spring primary in such years to vote his preference for one person to be the candidate of his political party for President

Section 903 Offices for Which Candidates Are to Be

Nominated to Be Ascertained It shall be the duty of the Secretary of the Commonwealth prior to each primary to ascertain the various National and State offices to be filled at the ensuing November election and for which candidates are to be nominated at such primary and otherwise in accordance with the provisions of this act It shall be the duty of each county board of elections prior to each primary to ascertain the various public offices in said county and in the cities boroughs towns townships ward school districts poor districts and election districts thereof to be filled at the ensuing November election and for which candidates are to be nominated at such primary and otherwise in accordance with the provisions of this act

Section 904 Municipal Clerks and Party Chairmen to Furnish Information as to Offices to Be Filled To assist the respective county boards in ascertaining the offices to be filled it shall be the duty of the clerks or secretaries of the various cities boroughs towns townships school districts and poor districts with the advice of their respective solicitors on or before the tenth Tuesday preceding the Fall primary to send to the county boards of their respective counties a written notice setting forth all city borough town township school district and poor district offices to be filled in their respective subdivisions at the ensuing municipal election and for which candidates are to be nominated at the ensuing primary It shall also be the duty of the chairman of the State committee of each political party to forward to the Secretary of the Commonwealth and to the respective county boards on or before the tenth Tuesday preceding the spring primary a written notice setting forth the number of delegates and alternate delegates to the National convention of such party who are to be elected in the State at large at the ensuing primary and the number of such delegates and alternate delegates who are to be elected at said primary in such county or in any district within such county or of which it forms a part The said notice shall also set forth the number of members of the National committee if any who under the National party rules are to be elected at the said primary in the State at large and the number of members of the State committee to be elected at the said primary in such county or in any district or part of a district within such county It shall also be the duty of the chairman of the county committee and in cases where a city is coextensive with a county the chairman of the city committee of each party on or before the tenth Tuesday preceding the spring primary to send to the county board of such county a written notice setting forth all party offices to be filled in the county at the ensuing primary

Section 905 Secretary of the Commonwealth to Notify County Boards of Certain Nominations to Be Made On or before the tenth Tuesday preceding each primary the Secretary of the Commonwealth shall send to the county board of each county a written notice designating all the offices for which candidates are to be nominated therein or in any district of which such county forms a part or in the State at large at the ensuing primary and for the nomination to which candidates are required to file nomination petitions in the office of the Secretary of the Commonwealth including that of President of the United States and shall also in said notice set forth the number of presidential electors United States Senators Representatives in Congress and State officers including senators representatives and judges of courts of record to be elected at the succeeding November election by a vote of the electors of the State at large or by a vote of the electors of the county or of any district therein or of any district of which such county forms a part

Section 906 Publication of Notice of Officers to Be Nominated and Elected Beginning not earlier than nine weeks nor later than eight weeks before any regular spring or fall primary the county board of each county shall publish in newspapers as provided by section 106 of this act a notice setting forth the number of delegates and alternate delegates to the National convention of each party who are to be elected in the State at large at the ensuing primary and the number of delegates and alternate delegates who are to be elected at the said primary in said county or in any district of which said county or part thereof forms a part and also setting forth the names of all public offices for which nominations are to be made and the names of all party offices including that of members of the National committee if any and State committee for which candidates are to be elected at said primary in said county or in any district of which such county or part thereof forms a part or in the State at large Said notice shall contain the date of the primary and shall be published at least once each week for two successive weeks

Section 907 Nomination Petitions to Be Filed The names of candidates for nomination as President of the United States and the names of all other candidates for party nominations and for election as delegates alternate delegates members of committees and other party officers shall be printed upon the official primary ballots or ballot labels of a designated party upon the filing of separate nomination petitions in their behalf in form prescribed by the Secretary of the Commonwealth signed by duly registered and enrolled members of such party who are qualified electors of the State or of the political district as the case may be within which the nomination is to be made or election is to be held The name of no candidate shall be placed upon the official ballots or ballot labels of a political party to be used at any primary unless such petition shall have been filed in his behalf In no event shall any person's name be printed upon the official ballots or ballot labels of any party for the office of delegate alternate delegate member of committee or other party officer unless he is a duly registered and enrolled member of said party

Section 908 Manner of Signing Nomination Petitions Time of Circulating Each signer of a nomination petition shall sign but one such petition for each office to be filled and shall declare therein that he is a registered and enrolled member of the party designated in such petition Provided however That where there are to be elected two or more persons to the same office each signer may sign for as many candidates for such office as and no more than he could vote for at the succeeding election He shall also declare therein that he is a qualified elector of the county therein named and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large of the political district therein named in which the nomination is to be made or the election is to be held He shall add his occupation and residence giving city borough or township with street and number if any and shall also add the date of signing Expressed in words or numbers Provided however That if the said political district named in the petition lies wholly within any city borough or township or is coextensive with same it shall not be necessary for any signe of a nomination petition to state therein the city borough or township of his residence No nomination petition shall be circulated prior to thirty (30) days before the last day on which such petition may be filed and no signature shall be counted unless it bears date within thirty (30) days of the last day of filing the same

Section 909 Petition May Consist of Several Sheets Affidavit of Circulator Said nomination petition may be on one or more sheets and different sheets must be used for signers resident in different counties If more than one sheet is used they shall be bound together when offered for filing if they are intended to constitute one petition and each sheet shall be numbered consecutively beginning with number one at the foot of each page Each sheet shall have appended thereto the affdavit of some person not necessarily a signer and not necessarily the same person on each sheet setting forth (a) that the affiant is a qualified elector of the State or of the political district as the case may be referred to in said petition (b) his residence giving city borough or township with street and number if any (c) that the signers thereto signed with full knowledge of the contents of the petition (d) that their respective residences are correctly stated therein (e) that they all reside in the county named in the affidavit (f) that each signed on the date set opposite his name and (g) that to the best of affidavit's knowledge and belief the signers are qualified electors and duly registered and enrolled members of the designated party of the State or of the political district as the case may be

Section 910 Affidavits of Candidates Each candidate for any State county city borough incorporated town township ward school district poor district election district party office party delegate or alternate or for the office of United States Senator or Representative in Congress shall file with his nomination petition his affidavit stating (a) his residence with street and number if any and his postoffice address (b) his election district giving city borough town or township (c) the name of the office for which he consents to be a candidate (d) that he is eligible for such office (e) that he will not knowingly violate any provision of this act or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith (f) unless he is a candidate for judge of a court of record that he is not a candidate for nomination for the same office of any party other than the one designated in such petition and (g) if he is a candidate for a delegate or alternate delegate member of State committee National committee or party officer that he is a registered and enrolled member of the designated party In cases of petitions for delegate and alternate delegate to National conventions the candidate's affidavit shall state that his signature to the delegate's statement as hereinafter set forth if such statement is signed by said candidate was affixed to the sheet or sheets of said petition prior to the circulation of same In the case of a candidate for nomination as President of the United States it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates but the postoffice address of such candidate shall be stated in such nomination petition

Section 911 Statement of Candidates For Delegates To National Conventions Each candidate for election as delegate or alternate delegate to a National party convention may include with his affidavit the statement hereinafter set forth in this section but his failure to include such statement shall not be a valid ground on the part of the Secretary of the Commonwealth for refusal to receive and file his nomination petition Such statement if signed shall be signed on all the sheets of said petition together with the date of signing and shall be in substantially the following form

DELEGATE'S STATEMENT

I hereby declare to the voters of my political party in the (here insert "State of Pennsylvania" if a delegate or alternate delegate at large otherwise insert "
District") that if elected and in attendance as a delegate to the National convention of the party I shall with all fidelity to the best of my judgment and ability in all matters coming before the convention support that candidate for President of the United States who shall have received the highest number of votes cast in the (here insert "State" if a delegate or alternate delegate at large otherwise insert " District") by the voters of my party for said office at the ensuing primary and shall use all honorable means within my power to aid in securing the nomination for such candidate for President.....
(Signature of candidate for delegate or alternate delegate and date of signing)

On the ballots or ballot labels used at a primary after or under the name of each candidate for delegate or alternate delegate to a National party convention shall appear the words Promises to support popular choice of party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert "
District" for President "or" Does not promise to support popular choice of party in the (here insert "State' if a delegate or alternate delegate at large otherwise insert "
District") for President" according to whether the candidate included or failed to include the above statement with his affidavit

Section 912 Number of Signers Required Nomination Petitions of Candidates at Primaries Shall be Signed

(a) If for the office of President of the United States or of United States Senator by at least one hundred registered and enrolled members of the proper party in each of at least ten counties of the State

(b) If for a State office to be filled by a vote of the electors of the State at large for the office of delegate or alternate delegate at large to a National party convention or for the office of member of the National committee by at least one hundred registered and enrolled members of the proper party in each of at least five counties of the State

(c) If for the the office of Representative in Congress to be filled by a vote of the electors of a Congressional district or of delegate or alternate delegate to a National party convention other than delegate or alternate delegate at large or of judge of any court of record other than a court whose judges are to be elected by a vote of the electors of the State at large or of State Senator or of any municipal office to be filled by a vote of the electors of a senatorial district by at least two hundred registered and enrolled members of the proper party

(d) If for the office of Representative in the General Assembly or for the office of member of the State committee or an office to be voted for by the electors of the entire county or an office to be voted for by the electors of an entire city by at least one hundred registered and enrolled members of the proper party except for the office of magistrate in cities of the first class in which case it must be signed by at least three thousand registered and enrolled members of the proper party

(e) If for the office of inspector of election by at least five registered and enrolled members of the proper party

(f) And for all other offices and all other party offices by at least ten registered and enrolled members of the proper party

Section 913 Place and Time of Filing Nomination Petitions Filing Fees (a) Nomination petitions in the case of candidates for the office of President of the United States United States Senator Representative in Congress and for all State offices including senators representatives and judges of courts of record for the office of delegate or alternate delegate to National party conventions and for the office of a member of a State or National committee shall be filed with the Secretary of the Commonwealth Nomination petitions in all other cases shall be filed with the county boards of election of the respective counties Nomination petitions for candidates for any office to be voted for by the electors of any city borough township ward or school district which is situate in two or more counties shall be filed with the county board of the county in which the major number of the registered electors of such city borough township ward or school district reside Immediately after the last day for such candidates to withdraw and after they have cast lots for their position on the ballots or ballot labels the said county board shall certify to the county board of each other county involved a list of the names addresses and occupations of the candidates so filing nomination petitions for each party together with the order in which their names are to appear upon the primary ballots or ballot labels and such other county board shall prepare the primary ballots or ballot labels to be used in the portion of such city borough township ward or school district situate in such county accordingly

(b) Each person filing any nomination petition shall pay for each petition at the time of said filing a filing fee to be determined as follows and no nomination petition shall be accepted or filed unless and until such filing fee is paid by a certified check or money order only Said certified checks or money orders shall be made payable to the Commonwealth of Pennsylvania or to the county as the case may be and shall be transmitted to the State Treasurer or to the County Treasurer and shall become part of the General Fund

1 If for the office of President of the United States or for any public office to be filled by the electors of the State at large the sum of fifty dollars ($50.00)

2 If for the office of Representative in Congress or judge of a court of record excepting judges to be voted for by the electors of the State at large and associate judge the sum of thirty-five dollars ($35.00)

3 If for the offices of Senator or Representative in the General Assembly or for any office to be filled by the

electors of an entire county or city the sum of twenty-five dollars ($25.00)

4 If for the office of associate judge or for any borough town township school district or poor district office or for the office of alderman or justice of the peace or constable the sum of twenty dollars ($20.00) Provided however That no filing fee shall be paid for a nomination petition for any public office for which no compensation is provided by law

5 If for judge or inspector of election or for any other public office not included hereinabove the sum of one dollar ($1.00)

6 If for the office of delegate or alternate delegate to National party convention or member of National committee or member of State committee the sum of ten dollars ($10.00)

7 If for any other party office the sum of one dollar ($1.00)

(c) The filing fees herein provided for shall not be refunded in the event of the withdrawal of any candidate named in any petition or for any other cause whatsoever

(d) All nomination petitions shall be filed at least fifty (50) days prior to the primary Petitions to be filed in the office of the Secretary of the Commonwealth shall be received in said office not later than 5 o'clock p. m. on the last day for filing same and all petitions to be filed with any county board of elections shall be received in said office not later than the ordinary closing hour of said office on the last day for filing same

Section 914 Withdrawal of Candidates Any of the candidates for nomination or election at any primary may withdraw his name as a candidate by a request in writing signed by him and acknowledged before an officer empowered to administer oaths and filed in the office in which his nomination petition was filed Such withdrawals to be effective must be received in the office of the Secretary of the Commonwealth not later than 5 o'clock p m on the fifth day next succeeding the last day for filing nomination petitions in said office and in the office of any county board of elections not later than the ordinary closing hour of said office on the fifth day next succeeding the last day for filing nomination petitions in said office No name so withdrawn shall be printed on the ballot or ballot labels No candidate may withdraw any withdrawal notice already received and filed and thereby reinstate his nomination petition

Section 915 Casting of Lots for Position of Names Upon the Primary Ballots or Ballot Labels Notice to Candidates Immediately after the last day fixed for filing of such nomination petitions with them the Secretary of the Commonwealth or the county board as the case may be shall fix a day for the casting of lots in such manner as may be prescribed by the Secretary of the Commonwealth or county board as the case may be for the position of names upon the primary ballots or ballot labels The Secretary of the Commonwealth shall give at least two (2) days notice by mail of said date to all candidates whose petitions have been received and filed in his office and the county board shall give at least two (2) days notice of said date by posting thereof in a conspicuous place in its office and by publication once in at least two newspapers of general circulation published in the county All candidates may appear in person or by agent duly authorized by letter of attorney signed and acknowledged by an officer empowered to take acknowledgments In the event of any of said candidates not being present in person or by representative at the time of casting of lots it shall be the duty of the Secretary of the Commonwealth or the county board as the case may be to appoint some person to represent such absentee After said lots are cast the Secretary of the Commonwealth or the county board as the case may be shall accordingly establish the order in which the names of said candidates are to appear upon the primary ballots or ballot labels and certify the same for placing upon the official primary ballots or ballot labels

Section 916 Secretary of the Commonwealth to Furnish County Boards With List of Candidates Candidates to Be Notified The Secretary of the Commonwealth as soon as possible after the last day fixed for the filing of nomination petitions with him and after the last day for the withdrawal of candidates filing such nomination petitions and after the candidates shall have cast lots for the position of their names upon the primary ballots or ballot labels shall forward to the county board of each county a correct list of candidates of each party for the various offices in the order in which they are to appear upon the official ballots or ballot labels with their respective residences giving city borough town or township and post-office addresses as shown in their affidavits and shall also at the same time notify the said candidates by mail that their names have been so certified to said county boards In the case of each candidate for delegate or alternate delegate to a National party convention the Secretary of the Commonwealth shall certify as to whether such candidate has included with his affidavit the statement provided for in section 911 of this act

Section 917 Manner of Filling Vacancy Caused by Death of Person Named in Nomination Petition Where a nomination petition has been duly filed for any primary under the provisions of this article and thereafter and before the day of the primary the candidate named in said petition dies the original signers of said petition or the majority of them may sign another petition proposing a new candidate for said office at any time prior to the printing of the ballots or ballot labels Said petition shall have the same force and effect as the original petition and the name of the candidate so nominated shall be substituted for that of the deceased candidate

Section 918 Presidential Electors Selection by Nominees Certification Vacancies The nominee of each political party for the office of President of the United States shall within thirty days after his nomination by the National convention of such party nominate as many persons to be the candidates of his party for the office of presidential elector as the State is then entitled to If for any reason the nominee of any political party for President of the United States fails or is unable to make the said nominations within the time herein provided then the nominee for such party for the office of Vice-President of the United States shall as soon as may be possible after the expiration of thirty days make the nominations The names of such nominees with their residences and post-office addresses shall be certified immediately to the Secretary of the Commonwealth by the nominee for the office of President or Vice-President as the case may be making the nominations Vacancies existing after the date of nomination of Presidential electors shall be filled by the nominee for the office of President or Vice-President making the original nomination Nominations made to fill vacancies shall be certified to the Secretary of the Commonwealth in the manner herein provided for in the case of original nominations

Section 919 Ballots Ballot Boxes Voting Machines and Other Supplies for Primaries Ballots and ballot boxes or voting machines where used and other supplies for primaries shall be prepared provided and delivered to the district election officers in accordance with the provisions of this act insofar as they are applicable to primaries

Section 920 Conduct of Primaries Primaries shall be conducted by the district election officers clerks and machine inspectors if any of each election district and the votes cast thereat counted and returned in the manner provided in Article XI of this act insofar as it is applicable to primaries

Section 921 Primary Election Returns The returns made by the district election officers of the votes cast at primaries shall be received by the respective county boards of election and tabulated and computed by them and their returns to the Secretary of the Commonwealth tabulated and computed by him in the manner provided by Article XIV of this act insofar as it is applicable to primaries

Section 922 Which Candidates Nominated Candidates of the various political parties for nomination except for the office of President of the United States who receive a plurality of votes of their party electors in the State or in the political district as the case may be at the primary election together with the candidates for the

office of presidential elector nominated as herein provided shall be candidates of their respective parties and it shall be the duty of the propery county boards to print their names upon the official ballots and ballot labels at the succeeding election

Section 923 Nominee in Case of Tie Vote In the case of a tie the candidates receiving the tie vote shall cast lots before the county board or the Secretary of the Commonwealth as the case may be at twelve o'clock noon on the third Friday following the primary and the one to whom the lot shall fall shall be entitled to the nomination In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday following the primary the time for casting lots shall be at twelve o'clock noon on the second day after the fact of such tie vote is authoritatively determined If any candidate or candidates receiving a tie vote fail to appear before twelve o'clock noon on said day the county board or the Secretary of the Commonwealth as the case may be shall cast lots for him or them For the purpose of casting lots any candidate may appear in person or by proxy appointed in writing

(b) Nomination of Candidates by Political Bodies

Section 951 Nominations by Political Bodies (a) In addition to the party nominations made at primaries nomination of candidates for any public office may also be made by nomination papers signed by qualified electors of the State or of the electoral district for which the nomination is made and filed in the manner herein provided Such nomination papers shall be in form prescribed by the Secretary of the Commonwealth and no other forms than the ones so prescribed shall be used for such purposes

(b) Where the nomination is for any office to be filled by the electors of the State at large the number of qualified electors of the State signing such nomination paper shall be at least equal to one-half of one per centum of the largest entire vote cast for any elected candidate in the State at large at the last preceding election at which State-wide candidates were voted for in the case of all other nominations the number of qualified electors of the electoral district signing such nomination papers shall be at least equal to two per centum of the largest entire vote cast for any officer elected at the last preceding election in said electoral district for which said nomination papers are to be filed

(c) Each person signing a nomination paper shall declare therein that he is a qualified elector of the State or district as the case may be and shall add to his signature his occupation and residence giving city borough or township with street and number if any and shall also add the date of signing expressed in words or numbers Provided however That if said political district named in the papers lies wholly within any city borough or township or is coextensive with same it shall not be necessary for any signer of a paper to state therein the city borough or township of his residence No elector shall sign more than one nomination paper for each office to be filled unless there are two or more persons to be elected to the same office in which case he may sign nomination papers for as many candidates for such office as and no more than he could vote for at the succeeding election More than one candidate may be nominated by one nomination paper and candidates for more than one office may be nominated by one nomination paper provided that each political body nominating does not nominate more candiates than there are offices to be voted for at the ensuing election and provided that all the signers on each nomination paper are qualified electors of the same political district or are qualified electors of each political district for which the several nominations are made

(d) Nomination papers may be on one or more sheets and different sheets must be used for signers resident in different counties If more than one sheet is used they shall be bound together when offered for filing if they are intended to constitute one nomination paper and each sheet shall be numbered consecutively beginning with number one (1) at the foot of each page Each sheet shall have appended thereto the affidavit of some person not necessarily a signer and not necessarily the same person on each sheet setting forth (1) that the affiant is a qualified elector of the State or of the electoral district as the case may be referred to in the nomination paper (2) his residence giving city borough or township with street and number if any (3) that the signers signed with full knowledge of the contents of the nomination paper (4) that their respective residences are correctly stated therein (5) that they all reside in the county named in the affidavit (6) that each signed on the date set opposite his name and (7) that to the best of affiant's knowledge and belief the signers are qualified electors of the State or of the electoral district as the case may be

(e) There shall be appended to each nomination paper offered for filing an affidavit of each candidate nominated therein stating (1) the election district in which he resides (2) the name of the office for which he consents to be a candidate (3) that he is eligible for such office (4) that the nomination paper to which it is appended contains a sufficient number of genuine signatures as required by this act (5) that he will not knowingly violate any provision of this act or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith (6) that he has not been nominated for the same office by a political party at the next preceding primary or by any other nomination papers filed for the same office Provided however That in any case where the candidate is unable to make the affidavit required by subsection (e) (6) herein by reason of the fact that any return board or re-count board has not at the time of the presentation of said papers completed and certified its returns or that the candidate is involved in undetermined litigation concerning his candidacy he shall make in lieu of the affidavit required in subsection (e) (6) affidavit of either of these facts as the case may be In such case the Secretary of the Commonwealth or the county board as the case may be shall accept such papers conditionally pending the completion and certification of the tabulation of votes cast or the determination of the litigation involving the said candidate Upon receipt of the certification of the tabulation of the votes cast at the primary in any such case or upon receipt from the court of a certified copy of its order adjudicating said litigation as provided in section 1774 herein the Secretary of the Commonwealth or the county board as the case may be if said candidate shall not appear to have been nominated at said primary shall file his nomination papers but if said candidate shall appear to have been nominated at said primary his nomination papers shall be rejected and returned to him forthwith

Section 952 Contents of Nomination Papers Restriction on Names All nomination papers shall specify (a) the name or appellation of the political body which the candidates nominated thereby represent expressed in not more than three words and in the case of electors for President and Vice-President of the United States the names of the candidates for President and Vice-President of such political body (b) the name of each candidate nominated therein his profession business or occupation if any and his place of residence with street and number if any (c) the office for which such candidate is nominated and (d) the names and addresses of the committee not to exceed five (5) persons authorized to fill vacancies if any shall occur No words shall be used in any nomination paper to designate the name or appellation of the political body represented by the candidates named in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any existing political party as defined by section 801 of this act or which contain part of the name or an abbreviation of the name or part of the name of any existing political party nor shall any words be used in any nomination paper to designate the name or appellation of the political body represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any political body which has already filed nomination papers for the same office nor which contain part of the name or an abbreviation of the name or part of the name of a political body which has already filed nomination papers for the same office The Secretary of

the Commonwealth or the county board as the case may be shall have the authority to determine whether the appellation set forth in any nomination paper is identical with or deceptively similar to the words used by any existing political party or by any political body which has already filed nomination papers for the same office Any petition to set aside a nomination paper on account of the name or appellation used therein or involving the right of the signers thereof to use name or appellation shall be decided as in the case of other petitions to set aside nomination papers in the manner provided by this article

Section 953 Place and Time of Filing Nomination Papers

(a) Nomination papers for candidates for presidential electors United States Senators Representatives in Congress and State offices including senators representatives and judges of courts of record shall be filed with the Secretary of the Commonwealth Nomination papers for all other candidates shall be filed with the county boards of elections of the respective counties Nomination papers for candidates for any office to be voted for by the electors of any city borough township ward or school district which is situate in two or more counties shall be filed with the county board of the county in which the major number of the registered electors of such city borough township ward or school district reside Immediately after the last day for withdrawals of candidates nominated by nomination papers the said county board shall certify to the county board of each other county involved a list of the names addresses and occupations of the candidates so nominated to be voted for in two or more counties together with the names or appellations of the political bodies nominating them

(b) All nomination papers shall be filed at least seventy-five days prior to the general election and at least thirty-two days prior to the municipal election

Section 954 Certified Checks to Accompany Nomination Papers Amounts For each candidate nominated by nomination papers (all of the candidates of a political body for presidential elector being counted as two candidates) a certified check containing the name of the candidate for whom drawn and also the address of the drawer shall accompany the nomination papers in the amounts hereinafter specified made payable to the Commonwealth of Pennsylvania or to the county as the case may be Said checks shall be held in escrow by the Secretary of the Commonwealth or by the County Election Board and shall be returned to the drawer thereof if the candidate named in the nomination papers or any substituted candidate therefor receives a total vote equal to two per-centum of the largest entire vote received by the candidate elected to said office if said office is one voted for by the electors of the State at large or if the candidate named in the nomination papers receives a total vote equal to five per centum of the largest entire vote received by the candidate elected to said office if said office is one not voted for by the electors of the State at large or said check shall be returned to the drawer thereof in case the candidate files a withdrawal certificate in accordance with the provisions of law governing the filing of such certicates before the election and no substituted nomination is made therefor Upon the failure of the candidate named in said nomination papers or a candidate substituted therefor to receive the required percentage of votes the check shall be forfeited to the Commonwealth or to the county as the case may be and shall be transmitted by the Secretary of the Commonwealth or the County Board to the State Treasurer or County Treasurer as the case may be Said checks shall be drawn in the following amounts for the following offices

(1) For groups of presidential electors one thousand ($1,000.00) dollars

(2) For United States Senator Governor Lieutenant-Governor State Treasurer Auditor General Secretary of Internal Affairs Judges of the Supreme and Superior Courts seven hundred fifty ($750.00) dollars

(3) For Representative in Congress and Judges of Courts of Record except Supreme Superior and Associate Judges three hundred fifty ($350.00) dollars

(4) For Senator and Representative in the General Assembly or any office to be filled by the electors of an entire county or city two hundred ($200.00) dollars

(5) For the office of associate judge or any borough town township school district or poor district office or the office of alderman justice of the peace or constable fifty ($50.00) dollars

(c) Objections Withdrawals Certifications

Section 976 Examination of Nomination petitions Certificates and Papers Return of Rejected Nomination Petitions Certificates and Papers When any nomination petition nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act it shall be the duty of the said officer or board to examine the same No nomination petition nomination paper or nomination certificate shall be permitted to be filed if (a) it contains material errors or defects apparent on the face thereof or on the face of the appended or accompanying affidavits or (b) it contains material alterations made after signing without the consent of the signers or (c) it does not contain a sufficient number of genuine signatures as required by law or (d) in the case of nomination petitions if nomination petitions have been filed for printing the name of the same person for the same office except the office of judge of a court of record upon the official ballot of more than one political party or (e) in the case of nomination papers if the candidate named therein has been nominated for the same office by a political party or has been nominated for the same office by nomination papers previously filed or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office or (g) in the case of nomination papers if the examining officer shall determine that the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office or if the appellation set forth therein contains part of the name or an abbreviation of the name or part of the name of an existing political party or of a political body which has already filed nomination papers for the same office The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet The action of said officer or board in refusing to receive and file any such nomination petition certificate or paper may be reviewed by the Court of Common Pleas of the proper county upon an application for a writ of mandamus to compel its reception as of the date when it was presented to the office of such officer or board Provided however That said officer or board shall be entitled to a reasonable time in which to examine any petitions certificates or papers and to summon and interrogate the candidates named therein or the persons presenting said petitions certificates or papers and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing

Upon completion of any examination if any nomination petition certificate or paper is found to be defective it shall forwith be rejected and returned to the candidate or one of the candidates named therein together with a statement of the reasons for such rejection

Section 977 Objections to Nomination Petitions and Papers All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to be valid unless within five days after the last day for filing said nomination petition or paper a petition is presented to the Court of Common Pleas of the county in which the nomination petition or paper was filed specifically setting forth the objections thereto and praying that the said petition or paper be set aside A copy of said petition shall within said period be served on the officer or board with whom said nomination petition or paper was filed Upon the presentation of such a petition the court shall make an order fixing a time for hearing which shall not be later than ten days after

the last day for filing said nomination petition or paper and specifying the time and manner of notice that shall be given to the candidate or candidates named in the nomination petition or paper sought to be set aside If the court shall find that said nomination petition or paper is defective under the provisions of section 976 or does not contain a sufficient number of genuine signatures of electors entitled to sign the same under the provisions of this act or was not filed by persons entitled to file the same it shall be set aside If the objections relate to material errors or defects apparent on the face of the nomination petition or paper or on the face of the accompanying or appended affidavits the court after hearing may in its discretion permit amendments within such time and upon such terms as to payment of costs as the said court may specify In case any such petition is dismissed the court shall make such order as to the payment of the cost of the proceeding including witness fees as it shall deem just If a person shall sign any nomination petitions or papers for a greater number of candidates than he is permitted under the provisions of this act if said signatures bear the same date they shall upon objections filed thereto not be counted on any petition or paper and if they bear different dates they shall be counted in the order of their priority of date for only so many persons as there are candidates to be nominated or elected

Section 789 Withdrawal of Nominated Candidates Any person who has been nominated by any political party or political body in accordance with the provisions of this act as a candidate for the office of presidental elector United States Senat Representative in Congress or for any State office including that of senator representative and judge of court of record may withdraw his name from nomination by request in writing signed by him and acknowledged before an officer qualified to take acknowledgment of deeds and filed in the office of the Secretary of the Commonwealth Any person who has been similarly nominated as a candidate for any other office may withdraw his name from nomination by similar request filed with the county board of elections of the proper county Such written withdrawals shall be filed with the Secretary of the Commonwealth or the county board of elections as the case may be at least sixty-five days previous to the day of the general election and at least twenty-five days previous to the day of the municipal election Such withdrawals to be effective must be received in the office of the Secretary of the Commonwealth not later than five (5) o'clock p m on the last day for filing same and in the office of any county board of elections not later than the ordinary closing hour of said office on the last day for filing same No name so withdrawn shall be printed upon the ballot or ballot labels No candidate may withdraw any withdrawal notice already received and filed and thereby reinstate his nomination

Section 979 Substituted Nominations by Parties Any vacancy happening or existing after the date of the primary in any party nomination by reason of the death or withdrawal of any candidate may be filled a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket Upon the making of any such substituted nomination in accordance with the party rules it shall be the duty of the chairman and secretary or secretaries of the party committee making the nomination to file with the Secretary of the Commonwealth in the case of United States Senator Representative in Congress and all State officers including judges of courts of records senators and representatives and with the proper county board of elections in the case of other offices a nomination certificate which shall be signed by the chairman and secretary or secretaries of the said committee and which shall set forth the following

(a) The office and district if any for which it is filed (b) the cause of the vacancy (c) the rule or rules of the political party setting forth the provisions applicable to a substituted nomination (d) that a quorum of the committee caucus or convention as provided by the party rules duly convened and the names of those present at said meeting or their proxies that said persons are the duly appointed or elected members of said committee caucus or convention (e) the name residence and occupation of the candidate duly nominated at said meeting Every such certificate of nomination shall be sworn to or affirmed by the chairman and secretary or secretaries before an officer qualified to administer oaths

Section 980 Substituted Nominations by Political Bodies In case of the death or withdrawal of any candidate nominated by any political body by nomination papers the committee named in the original nomination papers may nominate a substitute in his place by filing in the proper office a substituted nomination certificate which shall set forth the facts of the appointment and powers of the committee (naming all its members) of the death or withdrawal of the candidate and of the action of the committee thereon giving the name residence and occupation of the candidate substituted thereby and the truth of these facts shall be verified by the affidavit annexed to the certificate of at least two members of the committee in the case of a vacancy caused by the death of any candidate said substituted nomination certificate shall be accompanied by a death certificate properly certified

Section 981 Time for Filing Substituted Nomination Certificates

(a) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated at primaries or by nomination papers shall be filed with the Secretary of the Commonwealth or proper county board of elections as the case may be at least fifty days before the day of the general election and at least twenty days before the day of the municipal election

(b) Substituted nomination certificates to fill vacancies caused by the death of candidates nominated at primaries or by nomination papers shall be filed at the proper office at anytime prior to the day on which the printing of ballots is started

Section 982 Objections to Substituted Nomination Certificates All substituted nomination certificates may be objected to as provided in section 977 of this act except objections to substituted nomination certificates must in any case be filed within three (3) days after the filing of the substituted nomination certificate Provided however That no objections as to form and conformity to law shall be received after the day on which the printing of ballots is started

Section 983 Preservation of Nomination Petitions Certificates and Papers All nomination petitions certificates and papers shall be preserved in the offices where they have been filed for a period of at least two years

Section 984 Certification of Nominees by Secretary of the Commonwealth to County Board The secretary of the Commonwealth shall at least twenty days previous to the day of any November election of presidential electors United States Senator Representative in Congress or State officers including judges of courts of record senators and representatives or upon constitutional amendments or other questions to be submitted to the electors of the State at large transmit to the county board of elections of each county in which such election is to be held an official list certified by him of all of the candidates who have been nominated in accordance with the provisions of this act to be voted for in such county at such election substantially in the form of the ballots to be used therein and also a copy of the text of all constitutional amendments and other questions to be voted upon at such election together with a statement of the form in which they are to be printed on the ballots or ballot labels

ARTICLE X

Ballots

Section 1001 Official Ballots to Be Used All primaries and elections in this Commonwealth shall be conducted by ballot except in districts in which voting machines are used under the provisions of Article XI of this act All ballots used at primaries and elections in election districts in which ballots are used shall be provided by the respective county boards of elections in accordance

with the provisions of this act and except as otherwise provided in this act only official ballots furnished by the county boards of elections shall be cast or counted at any primary or election in any district in which ballots are used

Section 1002 Form of Official Primary Ballot

(a) At Primaries separate official ballots shall be prepared for each party which shall be in substantially the following form

Official .....Primary Ballot
(Name of Party)
.....District .....Ward City of.....
County of .....State of Pennsylvania
.....Primary election held on the..... ..
day of ..... 19....

Make a cross (X) in the square to the right of each candidate for whom you wish to vote If you desire to vote for a person whose name is not on the ballot write or paste his name in the blank space provided for that purpose If you spoil your ballot do not erase but ask for a new ballot Use only pencil or indelible pencil

President of the United States
(Vote for one)

John Doe
Richard Roe
John Stiles

United States Senator
(Vote for one)

John Doe
Richard Roe
John Stiles

Governor
(Vote for one)

John Doe
Richard Roe
John Stiles

Representatives in Congress.....District
(Vote for one)

John Doe
Richard Roe
John Stiles

Delegates at Large to National Convention
(Vote for .....)

John Doe
(Promises to support popular choice of party in the State for President)
John Stiles
(Does not promise to support popular choice of party in the State for President)

Delegate to National Convention.....District
(Vote for .....)

John Doe
(Promises to support popular choice of party in.....
.....District for President)
John Stiles
(Does not promise to support popular choice of party in ..... District for President)

Senator in the General Assembly.....District
(Vote for one)

John Doe
Richard Roe
John Stiles

Member of State Committee
(Vote for one)

John Doe
Richard Roe
John Stiles

Party Committeemen
(Vote for .....)

John Doe
Richard Roe
John Stiles

(b) On the back of each ballot shall be printed in prominent type the words "Official Primary Ballot Of ..... Party For" followed by the designation of the election district for which it is prepared the date of the primary and the facsimile signatures of the members of the county board of elections The names of candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in the order determined by the casting of lots as provided by this act At the right of the name of each candidate there shall be a square of sufficient size for the convenient insertion of a cross mark There shall be left at the end of the list of candidates for each office (or under the title of the office itself in case there be no candidates who have filed nomination petitions therefor) as many blank spaces as there are persons to be voted for for such office in which space the elector may insert the name of any person whose name is not printed on the ballot as a candidate for such office Opposite or under the name of each candidate except candidates for the office of President of the United States who is to be voted for by the electors of more than one county shall be printed the name of the county in which such candidate resides and opposite or under the name of each candidate who is to be voted for by the electors of an entire county or any congressional senatorial or representative district within the county shall be printed the name of the city borough township or ward as the case may be in which such candidate resides

(c) The ballot shall vary in form only as the names of districts offices candidates or the provisions of this act may require

Section 1003 Form of Official Election Ballot

(a) The official ballots for general municipal and special elections shall be in substantially the following form

.....Official Ballot
..... District ..... Ward City of.....
County of ..... State of Pennsylvania
.....Election held on the .....day of .....19....

A cross mark (X) in the square opposite the name of any candidate indicates a vote for that candidate

To vote a straight party ticket mark a cross (X) in the square in the Party Column opposite the name of the party of your choice To vote for an individual candidate of another party after making a mark in the party square mark a cross (X) opposite his name For an office where more than one candidate is to be voted for the voter after marking in the party square may divide his vote by marking a cross (X) to the right of each candidate for whom he or she desires to vote For such office votes shall not be counted for candidates not individually marked

To vote for a person whose name is not on the ballot write or paste his name in the blank space provided for that purpose A cross mark in the square opposite the name of the candidates of any party for President and Vice-President of the United States indicates a vote for all the candidates of that party for presidential elector To vote for individual candidates for presidential elector write or paste their names in the blank spaces provided for that purpose under the title "Presidential Electors" Use only pencil or indelible pencil

Party Column	Presidential Electors
To Vote a Straight Party Ticket Mark a Cross (X) in this Column	(Vote for the candidates of one party for President and Vice-president or insert the names of candidates)
Democratic	For John Stiles and Richard Doe
Republican	Democratic For John Doe and Richard Roe
Socialist	Republican..... For John Smith and William Jones
	Socialist.....

Citizens

United States Senator
(Vote for one)

Richard Roe ..... Democratic
John Doe ..... Republican
Richard Stiles ..... Socialist

Governor
(Vote for one)

Richard Roe ..... Democratic
John Doe ..... Republican
Richard Stiles ..... Socialist

Representatives in Congress ..... District
(Vote for one)

Richard Roe ..... Democratic
John Doe ..... Republican
Richard Stiles ..... Socialist

Senator in the General Assembly
..... District
(Vote for one)

John Doe ..... Democratic
Richard Roe ..... Republican

(b) On the back of each ballot shall be printed in prominent type the words "Official Ballot" followed by the designation of the election district for which it is prepared the date of the election and the facsimile signatures of the members of the county board of elections The names of candidates shall be arranged under the title of the office for which they are candidates and shall be printed thereunder in the order of the votes obtained by the presidential electors of the parties or bodies nominating at the last presidential election beginning with the party obtaining the highest number of votes Provided however That in the case of parties or bodies not represented on the ballot at the last presidential election the names of the candidates of such parties shall be arranged alphabetically according to the party name or political appellation In the case of offices for which two or more candidates are to be voted for the candidates of each party shall be arranged together in the order of the number of votes obtained by them at the primary beginning with the candidate obtaining the highest number of votes and the candidates of each political body shall be arranged in the order in which their names were placed in their nomination paper Opposite or under the name of each candidate shall be printed the name or appellation of the political party or political body nominating him and at the right of such name or appellation there shall be a square or sufficient size for the convenient insertion of a cross mark

(c) When presidential electors are to be elected their names shall not be printed upon the ballot but in lieu thereof the names of the candidates of their respective parties or political bodies for President and Vice-President of the United States shall be printed together in pairs under the title "Presidential Electors" All ballots marked for the candidates for President and Vice-President of a party or political body shall be counted as votes for each candidate for presidential elector of such party or political body

(d) Whenever any candidate shall receive more than one nomination for the same office his name shall be printed once and the names of each political party so nominating him shall be printed opposite the name of such candidate arranged in the same order as candidates names are required to be arranged At the right of every party name or appellation shall be a square of sufficient size for the convenient insertion of a cross mark

(e) There shall be left at the end of the group of candidates for President and Vice-President of the United States under the title "Presidential Electors" as many blank spaces as there are presidential electors to be elected in which spaces the elector may insert the names of any individual candidates for presidential electors for whom he desires to vote There shall also be left at the end of each group of candidates for each other office (or under the title of the office itself in case no candidates have been nominated therefor) as many blank spaces as there are persons to be voted for for such office in which space the elector may insert the name of any person or persons whose name is not printed on the ballot as a candidate for such office

(f) In order that each elector may have the opportunity of designating his choice for all the candidates nominated by one political party or political body there shall be printed on the extreme left of the ballot and separated from the rest of the ballot by a space of at least one-half inch a list of the names of all the political parties or political bodies represented on such ballot which have nominated candidates to be voted for at such election Such names shall be arranged in the order of the votes obtained at the last presidential election by the presidential electors of the parties or bodies nominating beginning with the party that received the highest number of votes cast Following the names of such political parties and political bodies shall be the names of the parties and bodies not represented on the ballot at the last presidential election arranged alphabetically according to the party name or appellation A square of sufficient size for the convenient insertion of a cross mark shall be placed at the right of each party name or appellation

(g) The official ballots shall vary in form only as the names of districts offices candidates or the provisions of this act may require When constitutional amendments or other questions are submitted to a vote of the electors each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices and when required by law shall be so printed Constitutional amendments and other questions so submitted shall be printed in brief form to be determined by the Secretary of the Commonwealth in the case of Constitutional amendments and other questions so submitted shall be printed in brief form to be determined by the Secretary of the Commonwealth in the case of Constitutional amendments and other questions to be voted on by the electors of the State at large and by the county boards in other cases To the right of each question there shall be placed the words "yes" and "no" together with the appropriate squares to the right of each for the convenient insertion of a cross mark

Section 1004 Form of Ballots Printing Ballots Stubs Numbers From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984 and from petitions and papers filed in their office the county election board shall print the official primary and election ballots in accordance with the provisions of this act Provided however That in no event shall the name of any person consenting to be a candidate for nomination for any office except the office of judge of a court of record be printed as a candidate for such office upon the official primary ballot of more than one party All ballots for use in the same election district at any primary or election shall be alike They shall be at least six inches long and four inches wide and shall have a margin extending beyond any printing thereon They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality without any impression or mark to distinguish one from another and with sufficient thickness to prevent the printed matter from showing through Each ballot shall be attached to a stub and all the ballots for the same election district shall be bound together in books of fifty in such manner that each ballot may be detached from its stub and removed separately The ballots for each party to be used at a primary shall be bound separately The stubs of the ballots shall be consecutively numbered and in the case of primary ballots the number shall be preceded by an initial or abbreviation designating the party name The number which appears upon the stub shall also be printed in the upper right hand corner of the back of the ballot separated from the remainder of the ballot by a diagonal perforated line so prepared that the upper right hand corner of the back of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box

Section 1005 Candidates with Similar Surnames Occupation to Be Printed If two or more candidates for the same office shall have the same or similar surnames the county

board of elections shall upon the request of any such candidate filed in writing not later than five days after the last day for filing nomination petitions certificates or papers print the occupations or residences of all such candidates having the same or similar surnames on the ballot or ballot labels opposite or under their names

Section 1006 Names of Substituted Candidates to Be Printed on Ballots As soon as any substituted candidate shall have been duly nominated at any time prior to the day on which the printing of ballots is started his name shall be substituted in place of that of the candidate who has died or withdrawn

Section 1007 Number of Ballots to Be Printed Specimen Ballots The county board of each county shall provide for each election district in which a primary is to be held one book of fifty official ballots of each party for every forty-five registered and enrolled voters of such party and fraction thereof appearing upon the district register and shall provide for each election district in which an election is to be held one book of fifty official ballots for every forty-five registered electors and fraction thereof appearing upon the district register They shall also in addition to the number of ballots required to be printed for general distribution have printed ten (10) per centum of such number to be known as reserve official ballots and on tinted paper two (2) per centum of such number to be known as reserve specimen ballots which ballots shall be kept at the office of the county board for the use of any district the ballots for which may be lost destroyed or stolen They shall also cause to be printed on tinted paper and without the facsimile endorsements permanent binding or stubs copies of the form of ballots provided for each voting place at each primary or election therein which shall be called specimen ballots and which shall be of the same size and form as the official ballots and at each election they shall deliver to the election officers in addition to the official ballots to be used at such election specimen ballots for the use of the electors equal in number to one-fifth of the number of official ballots delivered to such election officers At each primary specimen ballots of each party shall be furnished equal in number to one-fifth of the number of official ballots of such party furnished to the election officers as above provided

Section 1008 Forms of Ballots on File and Open to Public Inspection Ballots and Diagrams to Be Furnished to Candidates and Parties

(a) The county board of elections shall have on file in its office on and after the Thursday preceding each primary and election open to public inspection forms of the ballots and ballot labels with the names and such statements and notations as may be required by the provisions of this act printed thereon which shall be used in each election district within the county

(b) On the Thursday preceding each primary the county board shall upon request made at their office there deliver to each candidate whose name is printed on the ballot of any party or to his authorized representative without charge three specimen ballots of such party for the entire district in which such candidate is to be voted for for the use of such candidate and the watchers whom he may appoint as provided by this act

(c) On the Thursday preceding each November election the county board shall upon request made at their office there deliver to the county chairman or other authorized representative of each political party and political body in the county without charge two specimen ballots or diagrams for each election district within the county in which candidates of such party or political body are to be voted for for the use of such party or political body and the watchers appointed by it as provided by this act

Section 1009 County Boards to Cause Ballots to Be Accurately Printed It shall be the duty of the county board of elections of each county to cause all the ballots and ballot labels to be used therein to be accurately printed and they shall be responsible for the safe-keeping of the same while in their possession or that of their subordinates or agents

Section 1010 Correction of Mistakes Appearing on Ballot When it is shown by affidavit that mistake or omission has occurred in the printing of official ballots or ballot labels for any primary or election the Court of Common Pleas of the proper county or any judge thereof may upon the application of any qualified elector of the county require the county board of elections to correct the mistake or omission or to show cause why they should not do so

Section 1011 Record of Ballots to Be Kept The county board shall keep a record of the number of official ballots printed and furnished to each election district at each primary and election and of the number of stubs unused ballots and cancelled ballots subsequently returned therefrom and also of the disposition of the additional official ballots provided as required by section 1007 of this act

ARTICLE XI

Voting Machines

Section 1101 Definition of Terms The list of offices and candidates and the statements of questions on the voting machine shall be deemed an "official ballot"

As used in this act

(1) The words "ballot-labels" shall mean the cards paper or other material containing the names of offices and candidates and statements of questions to be voted on

(2) The word "diagram" shall mean an illustration of the official ballot when placed upon the machine showing the names of the parties bodies offices and candidates and statements of the questions in their proper places together with the voting devices therefor and shall be considered a specimen ballot

(3) The word "question" shall mean a statement of such Constitutional amendment or other proposition as shall be submitted to a popular vote at any election

(4) The words "irregular ballot" shall mean the paper or other material on which a vote is cast on a voting machine for persons whose names do not appear on the ballot-labels

(5) The words "vote indicator" shall mean those devices with which votes are indicated for candidates or for or against questions

(6) The words "candidate counters" and "question counters" shall mean the counters on which are registered numerically the votes cast for candidates and on questions respectively

(7) The words "public counter" shall mean a counter or other device which shall at all times publicly indicate how many times the machine has been operated at an election

(8) The words "protective counter" shall mean a counter or protective device or devices that will register each time the machine is operated and shall be constructed and so connected that it cannot be reset altered or operated except by operating the machine

(9) The words "voting machine booth" shall mean the enclosure occupied by the voter when voting

(10) The word "model" shall mean a mechanically operating model of a portion of the face of the machine illustrating the manner of voting

(11) The word "custodian" shall mean the person charged with the duty of testing and preparing the voting machine for the election and instructing the election officers in the use of the voting machine

(12) The words "election" and "elections" whenever used in this act shall be held to include and mean all general municipal primary and special elections

(13) The word "borough" shall be held to include incorporated towns

(14) The word "seal" and other words of the singular number relative thereto shall include the plural number as applied to a voting machine designed to be made secure with two or more seals

Section 1102 Authorization of Voting Machines Any county city borough or township may by a majority vote of its qualified electors voting thereon cast at any general or municipal election authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county city borough or township or in any part thereof

Section 1103 Placing the Question on the Ballot Election Thereon

(a) The county election board may upon their own motion submit to the qualified electors of the county or of any city borough or township thereof at any general or municipal election the question "Shall voting machines be used in the (county city borough or township) of .....?"

(b) The county election board upon receipt of a request from the council of any city or borough or from the commissioners or supervisors of any township said request being evidenced by the filing of a copy of a resolution certified by the secretary or clerk of the council commissioners or supervisors or upon the filing of a petition with them signed by qualified electors of the county city borough or township equal in number to at least one per cent of the total number of electors who voted in said county city borough or township at the preceding general or municipal election but in no case less than fifty unless the total number of electors who voted therein at the preceding general or municipal election was less than one hundred in which case one-half of the number so voting shall be sufficient shall at the next general or municipal election occurring at least sixty days thereafter submit to the qualified electors of such county city borough or township the question "Shall voting machines be used in the (county city borough or township) of .....?"

(c) The county board shall cause the said question to be printed upon the ballots to be used at the election in the form and manner provided by the laws governing general and municipal elections

(d) The election on said question shall be held at the places during the hours and under the regulations provided by law for holding general and municipal elections and shall be conducted by the election officers provided by law to conduct such elections The election officers shall count the votes cast at the elections on said question and shall make return thereof to the county election board of the county as required by law said returns shall be computed by the county election board or other return board and when so computed a certificate of the total number of electors voting "Yes" and of the total number of electors voting "No" on such question shall be filed in the office of the county election board and copies thereof certified by the county election board shall forthwith be furnished to the Secretary of the Commonwealth and to the county commissioners or other appropriating authority

(e) Where the qualified electors of any city borough or township vote in favor of the adoption of voting machines in such city borough or township a vote on the question of adoption of voting machines by the qualified electors of the entire county containing therein such city borough or township held at the same time or at a subsequent time the result of which vote is against the adoption of voting machines shall not be considered as a vote to discontinue the use of voting machines in such city borough or township

(f) If a majority of the electors of any county city borough or township voting on such question shall vote against the adoption of voting machines the question shall not again be submitted to the voters of such political subdivision within a period of one hundred and three weeks

(g) Whenever under the provisions of this section the question of the adoption of voting machines is about to be submitted to the electors of any county city borough or township it shall be the duty of the county commissioners or other authority which levies taxes for county purposes in such county to ascertain whether current funds will be available to pay for said machines if adopted and purchased or whether they have power to increase the indebtedness of the county in an amount sufficient to pay for the same without the consent of the electors and if such current funds will not be available and the power to increase the indebtedness of the county in a sufficient amount without the consent of the electors is lacking it shall be the duty of the county commissioners or other authority aforesaid to submit to the electors of the county in the manner provided by law at the same election at which the adoption of voting machines is to be voted on the question whether the indebtedness of such county shall be increased in an amount specified by them sufficient to pay for such voting machines if adopted

Section 1104 Installation of Voting Machines (a) If a majority of the qualified electors voting on the question shall vote in the affirmative the county election board of the said county shall purchase for each election district of such county city borough or township one or more voting machines of a kind or kinds approved by the Secretary of the Commonwealth as hereinafter provided and of sufficient capacity to accommodate the names of a reasonable number of candidates for all public and party offices which under the provisions of existing laws and party rules are likely to be voted for at any future election and shall notify the Secretary of the Commonwealth in writing that they have done so The county election board shall provide machines in good working order and shall preserve and keep them in repair Voting machines of different kinds may be used for different districts in the same county city borough or township In each election district in which voting machines are used the county election board may provide one voting machine for each five hundred registered voters or fraction thereof therein and shall provide one voting machine for each six hundred registered voters or fraction thereof therein Provided however That the Courts of Quarter Sessions upon petition presented by either the county election board or by ten or more qualified electors of any such election district may order that one additional voting machine be provided for any such election district of the court shall be of the opinion that such additional voting machine shall be necessary in such district for the convenience of the voters and the public interests

(b) Such voting machines shall be installed either simultaneously or gradually in political subdivisions which adopt them Upon the installation of voting machines in any election district the use of paper ballots therein shall be discontinued except as otherwise provided herein

(c) If voting machines are installed gradually they shall be introduced in the case of counties in alphabetical order by cities boroughs and townships so that they will first be used in the city borough or township the name of which is first in alphabetical order and then in the city borough or township the name of which is next in alphabetical order and so on In cities boroughs and townships they shall be introduced in numerical or alphabetical order by wards and election districts if any so that they will first be used in the first election district of the first ward and then in the second election district of the first ward and so on After they have been installed in all the election districts in the first ward they shall be installed in the same manner in the second ward then in the third ward and so on In any event the machines shall be installed as rapidly as practicable after the electors have voted in favor of them

(d) If the question hereinbefore provided shall have been submitted to the qualified electors of the county city borough or township and the majority of the electors voting thereon shall have voted favorably thereon and if the county election board shall not within one year have executed their contract or contracts providing for the purchase or procurement of voting machines for use at the next general municipal or primary election occuring at least one year and sixty days after the referendum then the Secretary of the Commonwealth shall forthwith in writing notify the said county election board that after the expiration of thirty days he under the authority of this act on behalf of the said county will award make and execute such contract or contracts unless the said county election board meanwhile shall have made and executed the same

(e) If upon the expiration of said thirty days the county election board still shall not have made and executed the contract or contracts providing for the delivery of machines as aforesaid the Secretary of the

Commonwealth on behalf of the said county and upon the approval of the Attorney General as to form shall thereupon award make and execute a contract or contracts for the purchase or procurement of a sufficient number of voting machines approved as required by this act for each election district within each such county city borough or township and the cost of such voting machines including the delivery thereof and of making and entering into the said contract or contracts including the preparation and printing of specifications and all other necessary expense incidental thereto shall be the debt of the said county and upon the certificate of the Secretary of the Commonwealth it shall be the duty of the controller if any to allow and of the treasurer of the county to pay the sum out of any appropriation available therefor or out of the first unappropriated moneys that come into the treasury of the county

(f) Provided however That if the county election board or the Secretary of the Commonwealth as the case may be shall find it impracticable to procure a voting machine or voting machines for each election district of the county city borough or township for use at the general municipal or primary election then next ensuing they or he shall provide as many machines as it shall be practicable to procure and as soon thereafter as practicable shall provide the remainder of such machines required hereunder The machines shall be installed in the election district or districts in the manner provided for the gradual introduction of voting machines in paragraph (c) of this section

(g) Any county city borough or township may by a majority vote of its qualified electors cast at any general election held not earlier than one hundred and three weeks after they have voted to adopt such machines direct the discontinuance of the use of voting machines at elections held in such county city borough or township The question for the discontinuance of the use of such voting machines shall be submitted to the voters subject to the same requirements as to resolution or petition and signatures thereon as is required for the submission of the question on the authorization of the use of such voting machines Such question for discontinuance must be submitted to the qualified electors of the county or municipality which voted on the question of the adoption of voting machines and the question of discontinuance voting machines Where the qualified electors of any city borough or township forming a part only of any county which has previously voted to adopt voting machines for the entire county unless the qualified electors of such city borough or township have previously by separate vote of its qualified electors voted in favor of the adoption of voting machines Where the qualied electors of any city borough or township and the qualified electors of the entire county containing therein such city borough or township both have voted by separate questions in favor of the adoption of voting machines a subsequent vote by the qualified electors of the entire county in favor of discontinuance shall not be considered as a vote to discontinue the use of voting machines in such city borough or township

Such question as to the discontinuance of the use of voting machines shall be submitted in the following form

"Shall the use of voting machines be continued in the (city borough or township) of ....."

(h) If it shall appear at any election that the county board requires additional voting machines for the use of the electors said county board shall have authority to enter into a contract or contracts for the rental of a sufficient number of machines for said election

Section 1105 Changing the Boundaries of Election Districts

(a) The courts of quarter sessions shall upon petition divide or redivide any borough township or ward where voting machines are adopted into election districts of compact and contiguous territory or shall consolidate election districts therein into new districts each having six hundred registered voters as nearly as may be except that districts having less than six hundred registered voters may be created whenever the court shall be of opinion that the convenience of the voters and the public interests will be promoted thereby

(b) Proceedings for such division or re-division shall be conducted under the provisions of sections 502 503 504 505 and 506

Section 1106 Examination and Approval of Voting Machines by the Secretary of the Commonwealth

(a) Any person or corporation owning manufacturing or selling or being interested in the manufacture or sale of any voting machine may request the Secretary of the Commonwealth to examine the machine Any ten or more persons being qualified electors of this Commonwealth may at any time request the Secretary of the Commonwealth to re-examine any voting machine theretofore examined and approved by him Before any such examination or re-examination the person persons or corporation requesting such examination or re-examination shall pay to the Treasurer of the Commonwealth an examination fee of four hundred and fifty dollars ($450) The Secretary of the Commonwealth may at any time in his discretion re-examine any voting machine

The Secretary of the Commonwealth shall thereupon require such machine to be examined or re-examined by three examiners whom he shall appoint for the purpose of whom one shall be an expert in patent-law and the other two shall be experts in mechanics and shall require of them a written report on such machine attested by their signatures and the Secretary of the Commonwealth himself shall examine the machine and shall make and file in his office together with the reports of the examiners appointed by him his own report attested by his signature and the seal of his office stating whether in his opinion and in consideration of the reports of the examiners aforesaid the kind of machine so examined can be safely used by electors at elections as provided in this act If his report states that the machine can be so used the machine shall be deemed approved and machines of its kind may be adopted for use at elections as herein provided

(c) No kind of voting machine not so approved shall be used at any election and if upon the re-examination of any voting machine previously approved it shall appear that the machine so re-examined can no longer be safely used by electors at elections as provided in this act the approval of the same shall forthwith be revoked by the Secretary of the Commonwealth and no such voting machine shall thereafter be purchased for use in this Commonwealth

(d) When a machine has been so approved no improvement or change that does not impair its accuracy efficiency or capacity shall render necessary a re-examination or re-approval of the machine or of its kind.

(e) Neither the Secretary of the Commonwealth nor any examiner appointed by him for the purpose prescribed by this section nor any member of a county election board shall have any pecuniary interest in any voting machine or in the manufacture or sale thereof

(f) Each examiner appointed hereunder shall receive a compensation of one hundred and fifty dollars ($150) for each different type of voting machine examined by him

Section 1107 Requirements of Voting Machines No voting machine shall upon any examination or re-examination be approved by the Secretary of the Commonwealth or by any examiner appointed by him unless it shall at the time satisfy the following requirements

(a) It shall provide facilities for voting such candidates as may be nominated and upon such questions as may be submitted

(b) It shall permit each voter at other than primary elections to vote a straight political party ticket in one operation and in one operation to vote for all the candidates of one political party for presidential electors and in one operation to vote for all the candidates of one political party for every office to be voted for except those offices as to which he votes for individual candidates

(c) It shall permit each voter at other than primary elections to vote a ticket selected from the nominees of any and all political parties from the nominees of any and all political bodies and from persons not in nomination

(d) It shall permit each voter to vote at any election for any person and for any office for whom and

for which he is lawfully entitled to vote whether or not the name of such person appears upon a ballot-label as a candidate for nomination or election and to vote for as many persons for an office as he is entitled to vote for and to vote for or against any question upon which he is entitled to vote

(e) It shall preclude each voter from voting for any candidate or upon any question for whom or upon which he is not entitled to vote and from voting for more persons for any office than he is entitled to vote for and from voting for any candidate for the same office or upon any question more than once except in districts and for offices where cumulative voting is authorized by law

(f) It shall be capable of adjustment by election officers so as to permit each voter at a primary election to vote only for the candidates for non-partisan nomination if any and for the candidates seeking nomination by the political party in which he is registered and enrolled if he is enrolled as a member of a political party and so as to preclude him from voting for the candidates seeking nomination by any political party in which he is not enrolled

(g) It shall permit each voter to deposit write in or affix upon receptacles or devices provided for the purpose ballots containing the names of persons for whom he desires to vote whose names do not appear upon the machine

(h) It shall permit each voter to change his vote for any candidate or upon any question appearing upon the ballot labels up to the time he begins the final operation to register his vote or indicates or expresses his intention to register his vote

(i) It shall permit and require voting in absolute secrecy and shall be so constructed that no person can see or know for whom any other elector has voted or is voting save a voter whom he has assisted or is assisting in voting as prescribed by law

(j) It shall have voting devices for separate candidates and questions which shall be arranged in separate parallel rows or columns so that at any primary election one or more adjacent rows or columns may be assigned to the candidates of a party and shall have parallel office columns or rows transverse thereto

(k) It shall have a counter or other device the register of which is visible from the outside of the machine which shall show during any period of voting the total number of voters who have operated the machine during said period of voting

(l) It shall have a protective counter or other device the register of which cannot be re-set which shall record the cumulative total number of movements of the operating mechanism

(m) It shall be provided with a lock or locks by the use of which immediately after the polls are closed or the operation of the machine for an election is completed all movement of the registering mechanism is absolutely prevented

(n) It shall be provided with a screen hood or curtain which shall conceal the actions of the voter while voting

(o) It shall be constructed of material of good quality in a neat and workman-like manner.

(p) It shall when properly operated register or record correctly and accurately every vote cast

(q) It shall be so constructed that a voter may readily learn the method of operating it

(r) It shall be safely transportable

(s) It shall be so constructed and controlled that during the progress of voting it shall precude every person from seeing or knowing the number of votes registered for any candidate and from tampering with any of the registering mechanism

(t) If it is of a type equipped with mechanism for printing paper proof-sheets and not requiring the counters to be made visible in order to canvass the votes recorded on the machine the door or other device concealing such counters or keeping the same concealed may be equipped with a lock or locks requiring the simultaneous use of three separate and substantially different keys to open or operate the same

Section 1108 Payment for Machines The county commissioners or such other authority as levies the taxes for county purposes of any county which adopts voting machines or of any county in which a city borough or township is located which adopts voting machines shall upon the purchase thereof provide for payment therefor by the county Provided however That bonds or other evidences of indebtedness payable not later than ten years from their dates of issuance may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties to meet all or any part of the cost of the voting machines

Section 1109 Demonstration of Voting Machines Whenever a referendum is about to be held upon the adoption of voting machines in any county city borough or township the county election board shall purchase lease or borrow a reasonable number of voting machines for demonstration purposes in such county city borough or township prior to such referendum

Section 1110 Form of Ballot-Labels on Voting Machines (a) The papers crads or strips enclosed within the ballot frame or frames of any voting machine and containing the names of a candidate or candidates or political party or the statement of a question to be voted upon hereinafter referred to as ballot-labels shall be printed in black ink upon clear white material of such size as will fit the ballot frame and in plain clear type so as to be easily readable by persons with normal vision

(b) If the construction of the machine shall require it the ballot-label for each candidate group of candidates political party or question to be voted on shall bear the designating letter or number of the counter on the voting machine which will register or record votes therefor Each question to be voted on shall appear on the ballot-labels in brief form of not more than seventy-five words to be determined by the Secretary of the Commonwealth in the case of Constitutional amendments or other questions to be voted on by the electors of the State at large and by the county election board in other cases

(c) The ballot-label for each candidate or group of candidates nominated or seeking nomination by a political party shall contain the name or designation of the political party

(d) The titles of offices may be arranged horizontally or vertically with the names of candidates for an office arranged transversely under or opposite the title of the office

(e) The names of all candidates nominated or seeking nomination by a political party shall appear in adjacent rows or columns containing generally the names of candidates nominated or seeking nomination by such party provided that the names of individual candidates for presidential electors shall not appear upon the ballot-labels but in lieu thereof the names of the candidates of said party for President and Vice-President shall be printed on a single ballot-label together with the name of said party

(f) When the same person has been nominated for the same office by more than one political party his name shall appear in the rows or columns containing generally the names of candidates nominated by each such party

(g) The form and arrangement of ballot-labels shall be prepared by the county election board and submitted by said board to the Secretary of the Commonwealth for approval If the Secretary of the Commonwealth shall approve the form and arrangement submitted the county election board shall procure such further copies of the same as may be necessary at the cost of the county If the Secretary of the Commonwealth shall disapprove the form and arrangement of ballot-labels submitted he shall indicate the changes to be made and the county election board after having made the changes indicated by the Secretary of the Commonwealth shall procure further copies of the same as may be necessary at the cost of the county

(h) The names of all candidates of a political party shall appear in the same row or column and no other names shall appear in the same row or column to the left or top of which shall be a straight party lever by means of which an elector may in one operation vote

for all the candidates of that political party for every office to be voted for The names of all candidates of a political body shall appear in the same row or column and if the number of parties and bodies permits each political body shall be entitled exclusively to a separate row or column with a straight party lever If however the number of political parties and political bodies renders it impossible or impracticable to so arrange the political bodies in such case said bodies shall not be entitled to a separate row or column and a straight party lever but shall be listed by political appellations on the first left hand or top row with the designating letter and number of the ballot label where their candidates may be found together with the political appellations of other political bodies whose candidates may be interspersed on the same row or column Subject to the aforesaid limitations the form and arrangement of ballot-labels as to the placing thereon of political bodies shall be within the discretion of the county board

(i) In primary elections the ballot-labels containing the names of candidates seeking nomination by a political party shall be segregated on the face of the machine in adjacent rows or columns by parties

(j) In primary elections if it shall be impossible or impracticable to place on the ballot-labels of one machine the names of all candidates seeking nomination in all political parties the county election board may arrange for each election district the names of the candidates on separate voting machines Provided however That the names of all the candidates seeking nomination in any one political party shall appear on one machine

Section 1111 Preparation of Voting Machines by County Election Boards

(a) The county election board of each county shall cause the proper ballot-labels to be placed on each voting machine which is to be used in any election district within such county and shall cause each machine to be placed in proper order for voting shall examine each machine before it is sent out to a polling place shall see that each registering counter except the protective counter on each machine is set at zero (000) shall lock each machine so that the counting machinery cannot be operated and shall seal each machine with a numbered seal The county election board or their duly authorized agent shall adjust each machine to be used at a primary election so that the election officers may lock it on primary election day in such a way that each voter can vote only for the candidates for non-partisan nomination if any and for the candidates seeking nomination by the political party in which he is enrolled if he is enrolled as a member of a political party and so that no voter can vote for the candidates seeking nomination by any political party in which he is not enrolled

(b) The county election board shall appoint one custodian of voting machines and such deputy custodians as may be necessary whose duty it shall be to prepare the machines to be used in the county at the elections to be held therein Each custodian and deputy custodian shall receive from the county for each day he is actually employed under the provisions of this act such compensation as shall be fixed by the county election board but not less than five dollars ($5.00) per day Such custodian shall under the direction of the county election board have charge of and represent the county election board during the preparation of the voting machines as required by this act and he and the deputy custodians whose duty it shall be to assist him in the discharge of his duties shall serve at the pleaure of the county election board Each custodian shall take the constitutional oath of office which shall be filed with the county election board

(c) On or before the thirtieth day preceding an election tion the county election board shall mail to the chairman of the county committee of each political party which shall be entitled under existing laws to participate in primary elections within the county and to the chairman or presiding officer of any organization of citizens within the county having as its purpose or among its purposes the investigation or prosecution of election frauds which has registered its name and address and the names of its principal officers with the county election board at least forty (40) days before such election a written notice stating the times when and the place or places where preparation of the machines for use in the several election districts in the county will be started One representative of each of such political parties certified by the respective chairmen of the county committees of such parties and one representative of each such organization of citizens certified by the respective chairmen or presiding officers of such organizations shall be entitled to be present during the preparation of the machines and to see that the machines are properly prepared and are placed in proper condition and order for use Provided however That such representatives shall not interfere with preparation of the machines and the county board may make such reasonable rules and regulations governing the conduct of such representatives

(d) The custodian deputy custodians of voting machines shall make a certificate in writing which each shall sign and request each representative of a party or a citizens organization as aforesaid present at the preparation of the machine to attest and which shall be filed with the county election board stating (1) the identifying number or other designation of the voting machine (2) that each registering counter of the machine was set at zero (000) (3) the number registered on the protective counter or other device of the machine and (4) the number on the seal with which the machine is sealed

(e) No member of the county election board nor custodian nor other employe of the county election board shall in any way prevent free access to and examination of all voting machines which are to be used at the election by any of the duly appointed representatives aforesaid and the county election board and their employes shall afford to each such representative every facility for the examination of all registering counters protective counters and public counters of each and every voting machine

(f) The county election board shall furnish at the expense of the county all ballot labels forms of certificates returns and other papers and supplies required under the provisions of this act all of which shall be in the form and according to the specifications prescribed from time to time by the Secretary of the Commonwealth

Section 1112 Delivery of Voting Machines and Supplies by County Election Boards to Election Officers

(a) The county election board shall deliver the proper voting machine or voting machines properly furnished with ballot labels to the polling-places of the respective election districts at least one hour before the time set for opening the polls at each election and shall cause each machine to be set up in the proper manner for use in voting Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this act

(b) The county election board shall provide ample protection against molestation of and injury to the voting machine and for that purpose shall and may call upon any police or elected peace officer of this Commonwealth to furnish such assistance as may be necessary and it shall be the duty of police and elected peace officers to furnish such assistance when so requested by the county election board

(c) The county election board shall furnish at the expense of the county and deliver with each voting machine

1 A lantern or a proper substitute for one which shall give sufficient light to enable voters while in the voting machine booth to read the ballot-labels and suitable for the use of election officers in examining the counters The lantern or proper substitute therefor shall be prepared and in good order for use before the opening of the polls

2 Two diagrams or sample ballots of suitable size representing such part of the face of such voting machine as will be in use in the election and accompanied by directions for voting on the machine Such diagrams shall be posted prominently outside the enclosed space within the polling-place

3 A mechanically operated model of a portion of the face of a voting machine for the instruction of electors

Such model shall be placed in the polling-place and at or outside of the guard-rail or barrier

4 A seal for sealing the machine after the polls are closed an envelope for the return of the keys if the construction of the voting machine shall permit their separate return and such other election materials and supplies as may be necessary or as may be required by law

Section 1113 Election Officers Polling Places

(a) The election board in each election district in which a voting machine is used shall consist of a judge of election two inspectors of election and one clerk of election chosen by the minority inspector as is provided by this act

(b) Where more than one machine is to be used in an election district the county election board shall prior to each election appoint for each additional voting machine to be used in such district one elector of the county qualified to serve as an election officer to serve as machine inspector in such district at such election who shall receive the same compensation as an inspector of election and whose duty it shall be to have charge of the operation of one of the voting machine under the supervision of the judge of election Each machine inspector shall be sworn to the faithful discharge of his duties

(c) In election districts in which voting machines are used the county election board may in its discretion procure and provide portable or movable polling places of adequate size and facilities for any or all of such districts

Section 1114 Delivery of Voting Machine Keys to Judge of Election

(a) The county election board shall deliver the keys which unlock the operating mechanism and the registering counters or counter compartment of the voting machine to the judge of election not earlier than noon of the Saturday preceding an election not later than three-quarters of an hour before the time set for the opening of the polls and shall take his receipt therefor The keys shall be enclosed in a sealed envelope on which shall be written or printed (1) the number of the voting machine (2) the name or designation of the election district (3) the number of the seal (4) the number registered on the protective counter or device as reported by the custodian Provided however That if the type of voting machine used requires the simultaneous use of three keys to unlock the registering counters or counter compartment only two of said keys shall be enclosed in said sealed envelope the third key being retained by the custodian the county election board or such other person as they shall have authorized

(b) No election officer shall open an envelope so delivered until the minority inspector shall be present in the polling-place and shall have examined the envelope to see that it has not been opened

Section 1115 Instruction of Voters Before an Election

(a) During the thirty days next preceding an election the county election board shall place on public exhibition in such public places and at such times as it may deem most suitable for the information and instruction of the voters one or more voting machines containing the ballot-labels and showing the offices and questions to be voted upon the names and arrangements of parties and so far as practicable the names and arrangements of the candidates to be voted for Such machine or machines shall be under the charge and care of a person competent as custodian and instructor No voting machine which is to be assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election

(b) During such public exhibition and instruction the counting mechanism of the voting machine shall be concealed from view and the doors or cover concealing the same shall be opened if at all only temporarily and only upon written authorization from the county election board

(c) Prior to any election the county board may cause copies of any diagram or diagrams required to be furnished with voting machines at polling-places to be made either in full size or in reduced size and to be posted published advertised or distributed among the electors in such manner as they may deem desirable

Section 1116 Voting by Ballot If a method of election for any candidates or offices is prescribed by law in which the use of voting machines is not possible or practicable or in case at any election the number of candidates nominated or seeking nomination for any office renders the use of voting machines for such office at such election impracticable or if for any other reason at any election the use of voting machines is not possible or practicable the county election board may arrange to have the voting for such or all offices conducted by paper ballots In such cases ballots shall be printed for such or all offices and the election conducted by the election officers herein provided for and the ballots counted and return thereof made in the manner required by law for such offices in so far as paper ballots are used

Section 1117 Unofficial Ballot-Labels Repair of Machine or Use of Paper Ballots

(a) If ballot-labels for an election district at which a voting machine is to be used shall not be delivered to the election officers as required by section 1209 (b) (2) of this act the judge of election of such district shall cause other labels to be prepared printed or written as nearly in the form of official ballot-labels as practicable and the election officers shall cause the labels so substituted to be used at the election in the same manner as near as may be as the official labels Such labels as substituted shall be known as unofficial ballot-labels

(b) If any voting machine being used in any election shall become out of order during such election it shall if possible be repaired or another machine substituted by the custodian or county election board as promptly as possible for which purpose the county board may purchase as many extra voting machines as they may deem necessary but in case such repair or substitution cannot be made paper ballots printed or written and of any suitable form may be used for the taking of votes

Section 1118 Custody of Voting Machines and Keys

(a) The county election board shall designate a person or persons who shall have the custody of the voting machines of the county city borough or township and the keys therefor when the machines are not in use at an election and shall provide for his compensation and for the safe storage and care of the machines and keys

(b) All voting machines when not in use shall be properly boxed or covered and stored in a suitable place or places

ARTICLE XII

Preparation For and Conduct of Primaries and Elections

Section 1201 Notice of November Elections The county board of each county shall at least ten days before each November election give notice of the same by newspaper publication in the county in accordance with the provisions of section 106 of this act once a week for two successive weeks immediately prior thereto Such notice shall set forth (a) the officers to be elected in the State at large or in said county or in any district of which said county or part thereof forms a part or in any city borough township school district poor district ward or other district which is contained in such county (b) the names of the candidates for election to Federal State county and city offices whose names will appear upon the ballots or ballot labels (c) the text of all Constitutional amendments and other questions to be submitted at such election (d) the places at which the election is to be held in the various election districts of the county and (e) the date of the election and the hours during which the polls will be open Such notice may include a portion of the form of ballot or diagram of the face of the voting machine in reduced size

Section 1202 Cards of Instructions and Supplies Prior to each primary and election each county board of election shall prepare full instructions for the guidance of electors in districts in which ballots are used and also similar instructions for the guidance of electors in districts in which voting machines are used and they shall cause the same together with such portions of this act as deemed advisable to be printed in large clear type on separate cards to be called cards of instruction They

shall also prepare blank forms of oaths of election officers records of assisted voters affidavits of challenged electors and others general and duplicate return sheets tally papers statements blank forms for numbered lists of voters with sufficient space for noting their party enrollment at primaries notice of penalties for the information of electors and election officers and other forms and supplies required by this act for use in each election district of the county Said forms blank books and other supplies shall have printed thereon appropriate instructions In districts in which voting machines are used the general and duplicate return sheets and statement shall be printed to conform to the type of voting machine used in such districts and the designating number and letter if any on the counter for each candidate shall be printed thereon opposite the candidate's name

Section 1203 Voter's Certificates At each primary and election each county board shall prepare a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

Voter's Certificate

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

..... Pa

Approved .....

Number of stub of ballot issued or number of admission to voting machines (and party at primary) .....

The voter's certificate shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county board One such file or binder shall be furnished by the county board for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" together with the number of the district and ward if any and the date of the primary or election

Section 1204 Delivery of Ballots and Supplies to Judges of election The cards of instruction return sheets tally papers statements oaths of election officers affidavits voter's certificates and other forms and supplies required for use in each election district and also the district register of such district and in districts in which ballots are used the official and specimen ballots prepared for use therein shall be packed by the county board of elections in separate sealed packages for each election district marked on the outside so as to clearly designate the districts for which they are intended and in the case of districts in which ballots are used the number of ballots of each kind enclosed They shall then be delivered by the county board together with the ballot box which shall bear the name and number of the election district to the judges of election in the several election districts not later than the day prior to the day of the primary or election Provided however That if for any reason it is impossible to deliver such packages to the judge of election in any district such packages may be delivered to one of the inspectors therein The respective judges of election or inspectors shall on delivery to them of such packages return receipts therefor to the county board which shall keep a record of the time when and the manner in which the several packages are delivered Th county board may in its discretion require the respective judges of election to call at its office to obtain the said packages

Section 1205 Time For Opening and Closing Polls At all primaries and elections the polls shall be opened at 7 A M Eastern Standard Time and shall remain open continuously until 9 P M Eastern Standard Time at which time they shall be closed

Section 1206 Duties of Common Pleas Court on Days of Primaries and Elections The court of common pleas of each county of the Commonwealth or a judge or judges thereof shall be continuous session at the court-house of said county on the day of each primary and election from 7 o'clock a m until 10 o'clock p m and so long thereafter as it may appear that the process of said court will be necesary to secure a free fair and correct computation and canvass of the votes cast at said election During such period said court shall act as a committing magistrate for any violation of the election laws shall settle summarily controversies that may arise with respect to the conduct of the election shall if it appears necessary instruct election officers overseers watchers and electors as to their rights and duties in election matters shall issue process if necessary to enforce and secure compliance with the election laws and shall decide such other matters pertaining to the election as may be necessary to carry out the intent of this act

Section 1207 Peace Officers No Police Officer to Be Within One Hundred Feet of Polling Place Exceptions Presence of Soldiers Prohibited The constable of each borough township or ward or his deputy shall be present at the polling place in each election district of such borough township or ward at each primary and election during the continuance thereof and while the votes are being counted for the purpose of preserving the peace and shall serve at all elections without compensation The election officers of any three qualified electors of any election district may call upon any mayor chief burgess sheriff deputy sheriff constable deputy constable or police officer to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching or to maintain order and quell any disturbance if such arises No police officer in commission whether in uniform or in citizen's clothes shall be within one hundred feet of a polling place during the conduct of any primary or election unless in the exercise of his privilege of voting or for the purpose of serving warrants or unless called upon to preserve the peace as provided by this act No body of troops in the army of the United States or of this Commonwealth shall be present either armed or unarmed at any place of election within this Commonwealth during the time of any primary or election Provided however That no officer or soldier shall be prevented from exercsiing the right of suffrage in the election district in which he resides if otherwise qualified

Section 1208 Meeting of Election Officers on Day of Election Duties of Election Officers (a) The judges inspectors clerks of election and machine inspectors together with the overseers if any shall meet in the respective places appointed for holding the election in each election district at least fifteen minutes before the hour for opening the polls on the day of each primary and election They shall thereupon in the presence of each other take and subscribe in duplicate to the oaths required by this act

(b) If any judge of election shall not appear at the polling place by seven (7) o'clock a m on the day of any primary or election the majority inspector shall appoint a jority inspector who is qualified under the provisions of this act If any majority inspector of election shall not appear at said hour the judge of election shall appoint a majority inspector who is qulaified under the provisions of this act If any minority inspector of election shall not appear at said hour the person who received the second highest vote for judge at the preceding election shall serve as minority inspector if available and if qualified under the provisions of this act If such person is not available or not qualified the qualified electors of the district present at said time shall under the supervision of the judge of election elect one of their number who is duly qualified to fill said vacancy If for any reason any vacancy in an election board shall not have been filled as aforesaid by 7:30 a m the qualified electors of the district present at said time shall elect a qualified person or persons to fill such vacancies If any clerk shall not appear by 7 o'clock a m the inspector who appointed said clerk shall fill said vacancy appointing a qualified elector therefor If any machine inspector shall not appear at said time it shall be the duty of the judge of election to promptly notify the county board who shall immediately appoint a qualified machine inspector to fill said vacancy Any persons thus appointed or elected to fill vacancies shall take and subscribe in duplicate to the oaths required by this act and shall hold office only for said election

(c) After the election board has been organized the

judge of election shall designate one of the inspectors of election to have custody of the district register and to make the entries therein required by this act In districts in which ballots are used the other inspector shall have charge of the receipt and deposit of ballots in the ballot box the judge or one of the clerks shall issue the ballots to electors after they are found entitled to vote and the other clerk shall have custody of the "Voting Check List" and shall place the voter's certificates therein as they are received and approved In districts in which moving machines are used the other inspector or clerk shall have custody of the "Voting Check List" and shall place the voter's certificates therein as they are received and approved and the judge shall have special charge of the operation of the voting machine Provided however That the judge of election may make other arrangements for the division of the duties imposed by this act so long as each election officer and clerk is assigned some specific duty to perform If more than one voting machine is used the judge shall be assisted by the machine inspectors each machine inspector being assigned by him to have charge of the operation of a particular machine In all election districts the judge shall assign two (2) members of the election board or clerks to keep two (2) numbered lists of voters during the progress of the voting

(d) Any election officer clerk or machine inspector may be assigned by the judge of election to assist another officer clerk or machine inspector in the performance of his duties or to perform them for him during his temporary absence or disability

Section 1209 Opening of Polls Posting Cards of Instruction and Notices of Penalties Examination of Voting machines (a) In districts in which ballots are used the election officers shall after taking the oath open the ballot boxes which have been furnished to them and burn and totally destroy all the ballots and other papers which they may find therein before the opening of the polls When the polling place is opened the ballot box shall be securely locked and shall not be opened until the close of the polls as provided in section 1221 At the opening of the polls the seals of the packages furnished by the county board shall be publicly broken and the said packages shall be opened by the judge of election The cards of instruction and notices of penalties shall be immediately posted in each voting compartment and not less than three such cards and notices of penalties and not less than five specimen ballots (at primaries five of each party) shall be immediately posted in or about the voting room outside the enclosed space and such cards of instruction notices of penalties and specimen ballots shall be given to any elector at his request so long as there are any on hand

(b) (1) In districts in which voting machines are used at the opening of the polls the seals of the package furnished by the county board shall be publicly broken and the said package shall be opened by the judge of election Not less than three cards of instruction and notices of penalties and not less than two diagrams of the face of the machine shall be immediately posted in or about the voting room outside the enclosed space and such cards and notices of penalties shall be given to any elector at his request so long as there are any on hand Thereupon the election officers before opening the envelope containing the keys which unlock the operating mechanism and registering counters or counter compartment of the voting machine shall examine the number of the seal on the machine and the number registered on the protective counter or device and shall see whether they are the same as the numbers written on the envelope containing the keys If either number shall be found not to agree the envelope shall remain unopened until the election officers shall have notified the proper custodian of voting machines or the county board and until the custodian or some other person authorized by the county board shall have presented himself at the polling place for the purpose of reexamining the machine and shall have certified that it is properly arranged But if the numbers on the seal and the protective counter or device shall both be found to agree with the numbers on the envelope the envelope shall be opened and where the voting machine provided is not equipped with mechanism for printing paper proof-sheets the election officers shall examine the registering counters and for that purpose shall open the doors concealing such counters if the construction of the voting machine shall so require and before the polls are opened the judge and each inspector shall carefully examine every counter and shall see that it registers zero (000) and shall allow the overseers and watchers to examine the counters When the voting machine providing is equipped with mechanism for printing paper proof-sheets and requires the simultaneous use of three keys to unlock the registering counters or counter compartment the judge of election shall deliver one of the two keys aforesaid to the minority inspector to be retained by him as hereinafter provided and shall then print at least two proof-sheets one of which the judge and each inspector shall carefully examine to ascertain whether every counter registers zero (000) and shall then preserve said proof-sheets to be signed by them and returned to the county election board with the duplicate return sheet and shall sign and post the other proof-sheet upon the wall of the polling place where it shall remain until the polls are closed The key delivered by the judge of election to the minority inspector as aforesaid shall be retained by the minority inspector until the polls have been closed and the voting and counting mechanism of the machine shall have been locked and sealed against voting and shall then be returned to the judge of election for return by him to the county election board as hereinafter provided

(2) If the ballot-labels containing the names of offices parties political bodies candidates and questions shall not be in their proper places on the voting machine the election officers forthwith shall notify the proper custodian of voting machines or the county board and the machine shall not be used until the custodian or some other person authorized by the county board shall have supplied ballot-labels as herein prescribed If the ballot-labels for a voting machine shall not be delivered at the time required or if after delivery they shall be lost destroyed or stolen the county board or custodian shall cause other ballot-labels to be prepared printed or written as nearly in the form of the official ballot-labels as practicable and shall cause such ballot-labels to be used in the same manner as nearly as may be as the official ballot-labels would have been used

(3) The judge each inspector of election each clerk of election and the overseers if any shall sign a certificate showing (1) the identifying number or other designation of the voting machine (2) the delivery of the keys in a sealed envelope (3) the number on the seal upon the machine (4) the number registered on the protective counter or device (5) that all of the counters were set at zero (000) and (6) that the ballot-labels are properly placed in the machine which certificate shall be returned by the judge of election to the county board with the other certificates as hereinafter provided

(4) The machine shall remain locked against voting until the polls are opened and shall not be operated except by electors in voting If any counter is found not to register zero (000) the election officer shall immediately notify the custodian or the county board who shall if practicable adjust or cause the counters to be adjusted at zero (000) but if it shall be found impracticable for the custodian or other person authorized by the county board to arrive in time so to adjust such counters before the time set for opening the polls the election officers shall immediately make a written record of the designation or designating letter or number of such counter together with the number registered thereon herein below called the initial number and shall sign and post the same upon the wall of the polling place where it shall remain until the polls are closed Provided however That if the voting machine used is equipped with mechanism for printing paper proof-sheets in any case where any counter is shown by such proof-sheet not to register zero (000) if it shall be found impracticable to have such counter adjusted before the time set for opening the polls the election officer shall sign such printed proof-sheet and post the same upon the wall of the polling place where it shall remain un-

til the polls are closed and in filling out the returns of the election if the final number of such counter is greater than the initial number the election officer shall subtract the initial number from the final number and enter the difference on the returns as the vote for the candidate or on the question represented by such counter if the final number of such counter is less than the initial number the election officers shall add one thousand to the final number and shall subtract the initial number from the sum so ascertained and shall enter upon the returns as the vote for the candidate or on the question represented by such counter the final number plus one thousand less the initial number

(5) The exterior of the voting machine and every part of the polling-place shall be in plain view of the election officers overseers and watchers The voting machine shall be located in the polling-place at least six feet back of the guard-rail or barrier in such a position that unless its construction shall require otherwise the ballot-labels on the face of the machine can be seen plainly by the election officers overseers and watchers when the machine is not occupied by a voter

(6) The election officers shall not themselves be nor allow any other person to be in any position that will permit any one to see or ascertain how an elector votes or how he has voted The election officers or one of them shall inspect the face of the machine at frequent intervals to see that the ballot-labels are in their proper places and that the machine has not been injured or tampered with

(7) During a primary or election the door or other covering of the compartment containing the counters of the machine shall not be unlocked or opened or the counters exposed except by action of the proper custodian of voting machines for good and sufficient reason a statement of which shall be made in writing and signed by him and attested by the signatures of the election officers and overseers or except upon the written order of the county board for good and sufficient reason which shall be stated in the order

Section 1210 Manner of Applying to Vote Persons Entitled to Vote Voters Certificates Entries to Be Made in District Register Numbered Lists of Voters Challenges (a) At every primary and election each elector who desires to vote shall first sign a voter's certificate unless he is a State or Federal employe insert his address therein and hand the same to the election officer in charge of the district register Such election officer shall thereupon compare the elector's signature on his voter's certificate with his signature in the district register If upon such comparison the signature upon the voter's certificate appears to be genuine the elector who has signed the certificate shall if otherwise qualified be permitted to vote Provided that if the signature on the voters certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section When an elector has been found entitled to vote the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate shall if the elector's signature is not readily legible print such elector's name over his signature and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order or admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initial in the proper space on the registration card of such voter contained in the district register

As each voter votes his name in the order of voting shall be recorded in two (2) numbered lists of voters provided for that purpose with the addition of a note of each voter's party enrollement after his name at primaries

(b) If any elector was unable to sign his name at the time or registration or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote he shall establish his identity to the satisfaction of the election officers and in such case he shall not be required to sign a voter's certificate but a certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) No person except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth and who votes under the provisions of Article XIII of this act shall be entitled or permitted to vote at any primary or election at any polling place outside the election district in which he resides nor shall he be permitted to vote in the election district in which he resides unless he has been personally registerd as an elector and his registration card appears in the district register of such election district except by order of the Court of Common Pleas as provided in this act and any person although personally registered as an elector may be challenged by any qualified elector election officer overseer or watcher at any primary or election as to his identity as to his continued residence in the election district or as to any alleged violation of the provisions of section 1210 of this act and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district Provided however That no person shall be entitled to vote as a member of a party at any primary unless he is registered and enrolled as a member of such party upon the district register which enrollment shall be conclusive as to his party membership and shall not be subject to challenge on the day of the primary

Section 1211 Bribery at Elections Challenges Rejection of Votes (a) The election officers shall reject the vote of any person at any primary or election who shall give or promise or offer to give to an elector any money reward or other valuable consideration for his vote at such primary or election or for withholding the same or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof or who shall receive or agree to receive for himself or for another any money reward or other valuable consideration for his vote at such primary or election or for withholding the same

(b) The vote of any elector shall be rejected by the election officers if they or any one of them shall of their own knowledge know him to be guilty of a violation of any of the provisions of this section or if upon challenge of such elector by any qualified elector election officer overseer or watcher it shall be proved to their satisfaction that such elector has violated the provisions of this section and in no case shall any elector so challenged be permitted to vote unless he shall make written affidavit that the matter of the challenge is untrue

Section 1212 Voting Check List After each elector has been admitted to vote his voter's certificate shall be inserted in the file or binder provided therefor by the county board and known as the "Voting Check List" and the said voter's certificate so bound shall constitute the official list of electors voting at such primary or election All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the elec-

tion officer shall be carefully preserved and returned to the county board with the other papers

Section 1213 Qualifications of Electors to be Decided by Inspectors Duty of Judge The inspectors of election shall investigate and pass upon the qualifications of all persons claiming the right to vote at any primary or election and if the inspectors shall disagree upon the right of any person to vote the judge of election shall decide the question If the judge is unable to decide then the overseers of election if they be agreed shall decide the question

Section 1214 Admission of Electors Within Enclosed Space

(a) No elector shall be allowed to enter the enclosed space until he shall be found entitled to vote

(b) As soon as an elector has been admitted within the enclosed space the election officer having charge of the ballots in districts in which ballots are used shall detach a ballot from the stub and give it to the elector first folding it so that the words and figures printed in the back shall be the only words and figures visible and no ballots shall be deposited in the ballot box unless folded in the same manner Not more than one ballot shall be detached from its stub in any book of ballots at any one time Not more than one ballot shall be given to an elector but if an elector inadvertently spoils a ballot he may obtain another upon returning the spoiled one The ballots thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope sealed and returned to the county board

(c) In districts in which voting machines are used an elector after being found to be qualified and admitted within the enclosed space shall be admitted to the voting machine booth as soon as it is vacant and shall be permitted to vote

(d) Not more than twice as many electors waiting to vote as there are voting compartments or voting machines in use in the district shall be admitted within the enclosed space at any one time

Section 1215 Method of Marking Ballots and Depositing Same in Districts in Which Ballots are Used (a) In districts in which ballots are used the elector after receiving his ballot shall retire to one of the voting compartments and draw the curtain or shut the screen or door and shall then prepare his ballot

(b) At primaries the elector shall prepare his ballot in the following manner He shall vote for the candidates of his choice for nomination or election according to the number of persons to be voted for by him for each office by making a cross (X) mark in the square opposite the name of the candidate or he may insert by writing stamping or sticker in the blank space provided therefor any name not already printed on the ballot and such insertion shall count as a vote without the making of a cross (X) mark

(c) At elections the elector shall prepare his ballot in the following manner He may vote for the candidates of his choice for each office to be filled according to the number of persons to be voted for by him for each office by making a cross (X) mark in the square opposite the name of the candidate or he may insert by writing stamping or sticker in the blank space provided therefor any name not already printed on the ballot and such insertion shall count as a vote without the making of a cross (X) mark If he desires to vote for every candidate of a political party or political body except its candidates for offices as to which he votes for individual candidates in the manner hereinafter provided he may make a cross (X) mark in the square opposite the name of the party of political body of his choice in the party column on the left of the ballot and every such cross (X) mark shall be equivalent to and be counted as a vote for every candidate of a party or political body so marked including the candidates for presidential electors except for those offices as to which he has indicated a choice for individual candidates of the same or another party or political body by making a cross (X) mark opposite their names in the manner hereinabove provided as to which offices his ballot shall be counted only for the candidates which he has thus individually marked nothwithstanding the fact that he made a mark in the party column and even though in the case of an office for which more than one candidate is to be voted for he has not individually marked for such office the full number of candidates for which he is entitled to vote If he desires to vote for the entire group of presidential electors nominated by any party or political body he may make a cross (X) mark in the appropriate square at the right of the names of the candidates for President and Vice-President of such party or body If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body or wholly of names of persons not in nomination by any party or political body he shall insert the names of the candidates for presidential electors for whom he desires to vote in the blank spaces provided therefor under the title of the office "Presidential Electors" In case of a question submitted to the vote of the electors he may make a cross (X) mark in the appropriate square opposite the answer which he desires to give

(d) Before leaving the voting compartment the elector shall fold his ballot without displaying the markings thereon in the same way it was folded when received by him and he shall then leave the compartment and exhibit the ballot to one of the election officers who shall ascertain by an inspection of the number appearing upon the right hand corner of the back of the ballot whether the ballot so exhibited to him is the same ballot which the elector received before entering the voting compartment If it is the same the election officer shall direct the elector without unfolding the ballot to remove the perforated corner containing the number and the elector shall immediately deposit the ballot in the ballot box Any ballot deposited in a ballot box at any primary or election without having the said number torn off shall be void and shall not be counted

Section 1216 Instructions of Voters and Manner of Voting in Districts In Which Voting Machines Are Used

(a) In districts in which voting machines are used the election officers shall with the aid of the diagrams authorized by this act and the mechanically operated model instruct each elector before he enters the voting machine booth regarding the operation of the machine and shall give the elector opportunity personally to operate the model

(b) If any voter after entering the voting machine booth and before the closing of such booth shall ask for further instructions concerning the manner of voting any one of the election officers may give him such instructions but no person giving a voter such instructions shall in any manner request suggest or seek to persuade or induce any such elector to vote any particular ticket or for any particular candidate or for or against any particular question After giving such instructions and before the elector closes the booth or votes the election officer shall retire and the elector shall forthwith vote

(c) At primaries before a voter is admitted to the voting machine it shall be adjusted by the election officer in charge thereof so that such voter will only be able to vote for the candidates of the party in which he is registered and enrolled and for candidates for non-partisan nomination if any

(d) At primaries he shall vote for each candidate individually by operating the key handle pointer or knob upon or adjacent to which the name of such candidate is placed At elections he may vote for each candidate individually by operating the key handle pointer or knob upon or adjacent to which the names of candidates of his choice are placed or he may vote a straight political party ticket in one operation by operating the straight political party lever of the political party or political body of his choice if such machine has thereon a separate lever for all the candidates of the political body He may also after having operated the straight party lever and before recording his vote cancel the vote for any candidate of such political party or political body by replacing the individual key handle pointer or knob of

such candidate and may thereupon vote for a candidate of another party or political body for the same office by operating the key handle pointer or knob upon or adjacent to which the name of such candidate appears In the case of a question submitted to the vote of the electors the elector shall operate the key handle pointer or knob corresponding to the answer which he desires to give

(e) A voter may at any primary or election vote for any person for any office for which office his name does not appear upon the voting machine as a candidate by an irregular ballot containing the name of such person deposited written or affixed in or upon the appropriate receptacle or device provided in or on the machine for that purpose and in no other manner Where two or more persons are to be elected to the same office and the name of each candidate is placed upon or adjacent to a separate key handle pointer or knob and the voting machine requires that all irregular ballots voted for that office be deposited written or affixed in or upon a single receptacle or device an elector may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear With these exceptions no irregular ballot shall be cast on a voting machine for any person for any office whose name appears on the machine as a candidate for that office and any ballot so cast shall be void and not counted

(f) At any general election at which presidential electors are to be chosen each elector shall be permitted to vote by one operation for all the presidential electors of a political party or political body For each party or body nominating presidential electors a ballot-label shall be provided containing only the words "Presidential Electors" preceded by the names of the party or body and followed by the names of the candidates thereof for the office of President and Vice-President and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively If an elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body or wholly of names of persons not in nomination by any party or body he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the machine for the purpose The machine shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided When the votes for presidential electors are counted the votes appearing upon the counter or registering device corresponding to the ballot-label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body and thereupon all candidates for presidential elector shall be credited in addition with the votes cast for them upon the ballots deposited in the machine as hereinabove provided

(g) As soon as the elector has adjusted the voting machine so that it will record his choice for the various candidates to be voted for and his answers to the various questions submitted he shall operate the recording mechanism and forthwith leave the voting machine booth

Section 1217 Time Allowed Elector in Voting Booth or Voting Machine Compartment No elector shall remain in a voting compartment or voting machine booth an unreasonable length of time and in no event for more than three minutes and if he shall refuse to leave after said period he shall be removed by the election officers Provided however That they may grant him a longer time if other electors are not waiting to vote

Section 1218 Assistance in Voting

(a) No voter shall be permitted to receive any assistance in voting at any primary or election unless there is recorded upon his registration card his declaration that because of illiteracy he is unable to read the names on the ballot or on the voting machine labels or that he has a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance the exact nature of such disability being recorded on such registration card and unless the election officers are satisfied that he still suffers from the same disability Before he shall be permitted to receive assistance such voter shall state distinctly and audibly under oath or affirmation which shall be administered to him by the judge of election the reason why he requires assistance

(b) Any elector who is entitled to receive assistance in voting under the provisions of this section shall be permitted by the judge of election to select a registered elector of the election district to enter the voting compartment or voting machine booth with him to assist him in voting such assistance to be rendered inside the voting compartment or voting machine booth

(c) In every case of assistance under the provisions of this section the judge of election shall forthwith enter in writing in a book to be furnished by the county board of elections to be known as the record of assisted voters (1) the voters name (2) a statement of the facts which entitle him to receive assistance and (3) the name of the person furnishing the assistance The record of assisted voters shall be returned by the judge of election to the county board of elections with the other papers as hereinafter provided and said county board shall permit the same to be examined only upon the written order of a judge of the Court of Common Pleas Provided however That such record shall be subject to subpoena to the same extent to which other election records may be subpoenaed

Section 1219 Ballots to be Issued by Election Officers Only Ballots Not to be Removed Official Ballots Only to be Deposited or Counted No official ballot shall be taken or detached from its stub in any book of ballots except by any election officer or clerk when a person desiring to vote has been found to be a qualified elector entitled to vote Not more than one ballot shall be removed at any one time or given to an elector except in the case of a spoiled ballot as provided by this act No person other than the election officer shall take or remove any ballot from the polling place No ballot without the official endorsement shall except as herein otherwise provided be deposited in the ballot box and no other ballots shall be counted If any ballot appears to have been obtained otherwise than from the county board as provided by this act the same shall not be counted and the judge of election shall transmit such ballot to the district attorney without delay together with whatever information he may have regarding the same

Section 1220 Regulations in Force at Polling Places (a) Until the polls are closed no person shall be allowed in the polling place outside of the enclosed space at any primary or election except the watchers voters not exceeding ten at any one time who are awaiting their turn to vote and peace officers when necessary for the preservation of the peace No elector shall be allowed to occupy a voting compartment or voting machine booth already occupied by another except when giving assistance as permitted by his act

(b) No elector except an election officer clerk machine inspector or overseer shall be allowed to re-enter the enclosed space after he has once left it except to give assistance as provided by this act

(c) No person when within the polling place shall electioneer or solicit votes for any political party political body or candidate nor shall any written or printed matter be posted up within the said room except as required by this act

(d) All persons except election officers clerks machine inspectors overseers watchers persons in the course of voting persons lawfully giving assistance to voters and peace and police officers when permitted by the provisions of this act must remain at least ten (10) feet distant from the polling place during the progress of the voting

(e) When the hour for closing the polls shall arrive

all qualified electors who have already qualified and are inside the enclosed space shall be permitted to vote and in addition thereto not more than ten (10) qualified electors who are in the polling place outside the enclosed space waiting to vote shall be permitted to do so if found qualified but no other persons shall be permitted to vote

(f) It shall be the duty of the judge of election to secure the observance of the provision of this section to keep order in the voting room and to see that no more persons are admitted within the enclosed space than are permitted by this act The judge of election may call upon any constable deputy constable police officer or other peace officer to aid him in the performance of his duties under this section

Section 1221 Duties of Election Officers After the Close of the Polls in Districts in Which Ballots Are Used After the polls are closed and the last elector has voted in districts in which ballots are used the election officers clerks and overseers if any shall remain within the enclosed space Before the ballot box is opened the number of ballots issued to electors (at primaries the number issued to the electors of each party) as shown by the stubs and the number of ballots (at primaries the number of ballots of each party) if any spoiled and returned by voters and cancelled shall be announced to all present in the voting room and entered on the general returns of votes cast at such primary or election The election officers shall then compare the number of electors voting as shown by the stubs with the number of names marked as voting in the district register "Voting Check List" and numbered lists of voters shall announce the result and shall enter on the general returns the number of electors who have voted as shown by the "Voter's Check List" If any differences exist they shall be reconciled if possible otherwise they shall be noted on the general returns The district register the "Voting Check List" the numbered lists of voters and the stubs of all ballots used together with all unused ballots and all spoiled and cancelled ballots and all rejected voter's certificates shall then be placed in separate packages containers or envelopes and sealed before the ballot box is opened

Section 1222 Count and Return of Votes in Districts in Which Ballots Are Used

(a) As soon as all the ballots have been properly accounted for and those outside the ballot box as well as the "Voting Check List" numbered lists of voters and district register sealed the election officers shall forthwith open the ballot box and take therefrom all ballots therein and at primaries separate the same according to the party to which they belong The ballots shall than be counted one by one and a record made of the total number and at primaries of the total number cast for each party Then the judge under the scrutiny of the minority inspector or the minority inspector under the scrutiny of the judge in the presence of the other officers clerks and of the overseers if any and within the hearing and sight of the watchers outside the enclosed space shall read aloud the names of the candidates marked or inserted upon each ballot (at primaries the ballots of each party being read in sequence) together with the office for which the person named is a candidate and the answers contained on the ballots to the questions submitted if any and the majority inspector and clerks shall carefully enter each vote as read and keep account of the same in ink in triplicate tally papers (triplicate tally papers for each party at primaries) to be provided by the county board of elections for that purpose all three of which shall be made at the same time All ballots after being removed from the box shall be kept within the unobstructed view of all persons in the voting room until replaced in the box No person while handling the ballots shall have in his hand any pencil pen stamp or other means of marking or spoiling any ballot The election officers shall forthwith proceed to canvass and compute the votes cast and shall not adjourn or postpone the canvass or computation until it shall have been fully completed

(b) When the vote cast for the different persons named upon the ballots and upon the questions if any appearing thereon shall have been fully recorded in the tally papers and counted the election officers shall duly certify to the number of votes cast for each person upon the respective party tickets at primaries) and shall prepare in ink five (5) general returns showing in addition to the entries made thereon as aforesaid the total number of ballots received from the county board (the total of each party at primaries) the number of ballots cast (the number of each party at primaries) the number of ballots (of each party at primaries) declared void and the number of ballots spoiled and cancelled and any blank ballots cast as well as the votes cast for each candidate At elections the number of votes cast for each candidate by each political party or political body of which such candidate is a nominee shall be separately stated

(c) In returning any votes cast for any person whose name is not printed on the ballot the election officers shall record any such names exactly as they were written stamped or applied to the ballot by sticker

Section 1223 What Ballots Shall Be Counted Manner of Counting Defective Ballots (a) No ballot which is so marked as to be capable of identification shall be counted Any ballot that is marked in ink or by anything but pencil or indelible pencil shall be void and not counted Any ballot marked by any other mark than an (x) in the spaces provided for that purpose shall be void and not counted Provided however That no vote recorded thereon shall be declared void because a cross (x) mark thereon is irregular in form Any erasure mutilation or defective marking of the straight party column at November elections shall render the entire ballot void unless the voter has properly indicated his choice for candidates in any office block in which case the vote or votes for such candidates only shall be counted Any erasure or mutilation in the vote in any office block shall render void the vote for any candidates in said block but shall not invalidate the votes cast on the remainder of the ballot if otherwise properly marked Any ballot indicating a vote for any person whose name is not printed on the ballot by writing stamping or sticker shall be counted as a vote for such person if placed in the proper space or spaces provided for that purpose whether or not an (x) is placed after the name of such person Provided however That if such writing stamping or sticker is placed over the name of a candidate printed on the ballot it shall render the entire vote in said office block void If an elector shall mark his ballot for more persons for any office than there are candidates to be voted for for such office or if for any reason it may be impossible to determine his choice for any office his ballot shall not be counted for such office but the ballot shall be counted for all offices for which it is properly marked Ballots not marked or improperly or defectively marked so that the whole ballot is void shall be set aside and shall be preserved with the other ballots

(b) At November elections a cross (X) mark in the square opposite the name of political party or political body in the party column shall be counted as a vote for every candidate of that party or body so marked including its candidates for Presidential electors except for those offices as to which the voter has indicated a choice for individual candidates of the same or another party or body in any office block in which case the ballot shall be counted only for the candidates thus individually marked notwithstanding the fact that the voter has made a mark in the party column and even though in the case of an office for which more than one candidate is to be voted for he has not individually marked for such office the full number of candidates for which he is entitled to vote

Section 1224 Ballot Decisions to Be Made by Inspectors Duty of Judge Decisions concerning questionable marks on ballots or defacing or mutilation of ballots and the count to be recorded thereon shall be made in the same manner as decisions concerning the qualifications of voters as provided in section 1212 herein

Section 1225 Signing and Disposition of Returns District Register and Voting Check List Posting Return of Ballot Boxes (a) Immediately after the vote has been counted in districts in which paper ballots are used all of

the general returns shall be signed by the election officers and clerks and certified by the overseers if any If any election officer clerk or overseer shall refuse to sign or certify the general returns he shall write his reasons therefor upon the general return sheets One of said returns shall be immediately posted for the information of the public outside the polling place and one shall be intrusted to the judge for delivery to the county board with the package of unused ballots etc in an envelope provided for that purpose The election officers shall then replace all the ballots cast so counted and canvassed in the ballot boxes including those declared void spoiled and cancelled together with one set of tally papers one general return sheet one numbered list of voters sealed as aforesaid and one oath of each election officer and lock and seal each ballot box so that nothing can be inserted therein until it be opened again and the judge and minority inspector shall immediately deliver the ballot boxes to the custody of the county board and the county board shall not compute any returns from any election district until the ballot boxes therefor as well as the package of unused ballots etc aforesaid therefrom are delivered as aforesaid

(b) The minority inspector shall retain one complete set of tally papers and one general return sheet and carefully preserve the same for a period of at least one year The remaining tally papers affidavits of voters and others including oaths of election officers and one general return sheet shall be placed in separate envelopes to be provided for that purpose and sealed as soon as the count is finally completed All of such envelopes and one numbered list of voters previously sealed as aforesaid shall be entrusted to the judge of election to be immediately delivered to the county board

(c) Immediately upon completion of the count and tabulation of the votes cast the district register and the voting check list shall be locked and sealed and returned forthwith by the judge of election to the custody of the proper registration commission

Section 1226 Duties of Election Officers After the Close of the Polls In Districts in Which Voting Machines Are Used (a) When the hour for closing the polls shall arrive all qualified electors who have already qualified and are inside the enclosed space shall be permitted to vote and in addition thereto not more than ten (10) qualified electors who are in the polling place outside the enclosed space waiting to vote shall be permitted by the election officers to do so but no other persons shall be permitted to vote As soon as the polls are closed and the last voter has voted the election officers shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation and they the clerk and the overseers if any shall then sign a certificate stating (1) that the machine has been locked against voting and sealed (2) the number as shown on the public counter (3) the number on the seal which they have placed upon the machine (4) the number registered on the protective counter or device and (5) the number or other designation of the voting machine which certificate shall be returned by the judge of election to the county board with the other certificates as herein provided The election officers shall then compare the number as shown by the public counter of the machine with the number of names written in the numbered lists of voters the district register and voting check list which shall then be placed in separate packages containers or envelopes and sealed

Section 1227 Canvass and Return of Votes in Districts in Which Voting Machines Are Used (a) If the type of voting machine provided shall require the counters to be seen in order to enable the election officers to canvass the vote the election officers in the presence of the watchers and all other persons who may be lawfully within the polling place shall then make visible the registering counters and for that purpose shall unlock and open the doors or other covering concealing the same giving full view of all the counter numbers If the voting machine is equipped with mechanism for printing paper proof-sheets the election officers shall forthwith print not less than four proof-sheets and as many more as may be necessary to supply one to each member of the election board overseer candidate watcher representative of a newspaper and other persons who may be lawfully present within the polling place requesting the same The judge of election shall then under the scrutiny of the two inspectors of election the overseers if any and the watchers and in the order of the offices as their titles are arranged on the machine read from the counters or from one of the proof-sheets as the case may be and announce in distinct tones the designation or designating number number and letter on each counter for each candidate's name the result as shown by the counter numbers the votes recorded for each office for persons other than nominated candidates and the designation or designating numbers and letters on each counter and the results as shown by the counter numbers for and against each question voted on The counters shall not be read consecutively along the party rows or columns but shall always be read along the office columns or rows completing the canvass for each office or question before proceeding to the next

(b) The vote as registered shall be entered by the election officers in ink on duplicate return sheets and also on a general return sheet and statement all of which after the canvass is completed shall be signed by the election officers the clerk and certified by the overseers if any If any election officer clerk or overseers shall refuse to sign or certify the general or duplicate return sheets or statement he shall write his reasons therefor upon said sheets The vote for presidential electors shall be computed and returned as provided hereinbefore in section 1215 of this act If more than one voting machine is used in any election district and the vote registered on each machine shall be ascertained in like manner and separately entered in appropriate spaces on the general and duplicate return sheets and statement The total vote cast for each candidate and for and against each question shall then be computed and entered on the general and duplicate return sheets and statement There shall also be entered on the general return sheet and statement the number of voters who have voted as shown by the numbered lists of voters district register and voting check list and the number on each machine as shown by the public counters and also the number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine The number or other designation of each machine used shall also be entered thereon In the case of primary elections duplicate return sheets shall be prepared for each party The registering counters of the voting machine or the paper proof-sheets as the case may be shall remain exposed to view until the said returns and all other reports have been fully completed and check by the inspectors clerk and overseers if any During such time any candidate or duly accredited watcher who may desire to be present shall be admitted to the polling place

(c) The proclamation of the result of the votes cast shall be announced distinctly and audibly by the judge of election who shall read the name of each candidate the designation or designating numbers and letters of his counters and the vote registered on each counter also the vote cast for and against each question submitted During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine or with the paper proof-sheets as the case may be and any necessary corrections shall then and there be made by the election officers after which the doors or other cover of the voting machine shall be close and locked Any ballots written deposited or affixed in or upon the voting machine shall be inclosed in properly sealed packages and properly indorsed and shall be delivered by the judge of election as hereinafter provided The judge of election shall promptly deliver to the county board or their duly authorized representative the keys of the voting machine inclosed in a sealed envelope if the construction of the voting machine shall permit their separate return Said envelope shall have indorsed thereon a certificate of the

election officers stating the number of the machine the election district where it has been used the number on the seal and the number on the protective counter or device at the close of the polls

(d) The election officers on the foregoing returns shall record any votes which have been cast for a person whose name is not printed on the ballot labels by means of an irregular ballot as defined herein In returning any such votes which have been written deposited or affixed upon receptacles or devices provided for the purpose the election officers shall record any such names exactly as they were written deposited or affixed

Section 1228 Disposition of Returns Posting Return of District Register and Voting Check List (a) The general return sheet duplicate return sheets and statement shall be printed to conform with the ytpe of voting machine used and in form approved by the Secretary of the Commonwealth The designating number and letter if any on the counter for each candidate shall be printed thereon opposite the candidate's name Provided however That it shall not be necessary to print the name or designating counter number or letter of any candidate for any borough township ward or election district office Immediately after the vote has been ascertained the statement thereof shall be posted on the door of the polling place The minority inspector shall retain one of said duplicate return sheets one numbered list of voters sealed as aforesaid and one set of oaths of election officers The other duplicate return sheet numbered list of voters oaths of election officers and affidavits of voters and others shall be sealed up and given to the judge of election who shall deliver them together with the general return sheet and the package of ballots deposited written or affixed in or upon the voting machine to the county board If the type of voting machine is equipped with mechanism for printing paper proof-sheets one of said proof-sheets shall be posted on the door of the polling place with the statement aforesaid one shall be retained by the minority inspector one shall be placed in the envelope and delivered with the general return sheet and one shall be sealed in the envelope with the duplicate return sheets and delivered by the judge of election to the county board The printed proof-sheet returned with the general return sheet and the printed proof-sheet returned with the duplicate return sheet shall each be part of the return of the election

(b) Immediately upon completion of the count and tabulation of the vote cast the district register and the voting check list shall be locked and sealed and returned forth with by the judge of election to the custody of the proper registration commission

Section 1229 Conduct of Special Elections Returns Every special election on a proposed Constitutional amendment or other question to be voted on by the electors of the State at large or by the electors of any political district shall be held and conducted in all respects in accordance with the provisions of this act relating to November elections and the provisions of this act relating to November elections shall apply thereto insofar as applicable and not inconsistent with any other provisions of this act All such special elections shall be conducted by the election officers and clerks by the use of the same equipment and facilities so far as practicable as are used for such November elections The returns of special elections unless otherwise provided by law shall be prepared and returned in like manner as returns from November elections and shall be canvassed and computed as herein provided

Section 1230 Removal and Storage of Voting Machines As soon as possible after the completion of the count in districts in which voting machines are used the county board shall have the voting machines properly boxed and removed to the place of storage provided for in this act The voting machines shall remain locked against voting for the period of twenty days next following each primary and election and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the primary or election with due regard for the date of the next following election or primary except that they may be opened and all the data and figures therein examined under the provisions of this act by order of any court of competent jurisdiction or judge thereof or by direction of any legislative committee to investigate and report upon contested primaries or elections affected by the use of such machines and such data and such figures shall be examined by such committee in the presence of the officer having the custody of such machines

ARTICLE XIII

Voting by Persons in Actual Military Service

Section 1301 Qualified Electors in Actual Military Service Whenever any of the qualified electors of this Commonwealth shall be in any actual military service under a requisition from the President of the United States or by the authority of this Commonwealth and as such absent from their place of residence on the days appointed by law for holding the general or municipal elections within this State or on the days for holding special elections to fill vacancies such electors shall be entitled at such times to exercise the right of suffrage as fully as if they were present at their usual places of election in the manner prescribed in this article and whether at the time of voting such electors shall be within the limits of this State or not and the right of voting shall not be affected by reason of the failure of any elector to have been registered in his place of residence.

Section 1302 Polls to Be Opened in Each Military Unit Detached Electors A poll shall be opened in each military or naval unit composed in whole or in part of Pennsylvania soldiers at the quarters of the captain or other officer thereof and all electors belonging to such unit who shall be within one mile of such quarters on the day of election and not prevented by orders of their commanders or proximity of the enemy from returning to their unit quarters shall vote at such poll and at nother place officers other than those of a unit and other electors detached and absent from their units or in any military or naval hospital or in any vessel or navy yard may vote at such other polls as may be most convenient for them and when there shall be ten or more electors at any place who shall be unable to attend any unit poll or their proper place of election as aforesaid the electors present may open a poll at such place as they may select and certify in the poll-book which shall be a record of the proceedings at said election substantially in manner and form as hereinafter directed

Section 1303 Time of Opening and Closing Polls The polls shall be opened as early as practicable on said day and remain open at least three hours and if necessary in the opinion of the election officers in order to receive the votes of all the electors they may keep the polls open until seven o'clock p m of said day proclamation thereof shall be made at or before the opening of the polls and one hour before closing them

Section 1304 Election Officers Before opening the poll on the day of election the electors present at each of the places aforesaid shall elect viva voce three persons present at the time and having the qualifications of electors for judge and inspectors of said election and the inspectors so elected shall then appoint two of the persons present who shall be qualified to act as clerks of said election and the judge shall prepare boxes or other suitable receptacles for the ballots

Section 1305 Oath of Election Officers Before any votes shall be received said judge inspectors and clerks shall each take an oath or affirmation that he will perform the duties of judge inspector or clerk as the case may be of said election according to law and to the best of his abilities and that he will studiously endeavor to prevent fraud deceit or abuse in conducting the same which oath or affirmation any of the said judges inspectors or clerks so elected or appointed may administer to each other and the same shall be in writing or partly written and partly printed and signed by said judge inspectors and clerks and certified to by the party administering the same and attached to or entered upon the poll-book and there signed and certified as aforesaid

Section 1306 Manner of Election Challenges All elections under this article shall be by official ballots provided in

the manner herein prescribed and the judge and inspectors of elections may and upon challenge of any elector shall examine under oath or affirmation the applicant to vote (which oath or affirmation any of said judges or inspectors may administer) in respect to his right to vote and his qualifications to vote in the particular election district ward precinct city borough township or county of this State in which he claims residence and before issuing a ballot to any applicant to vote the judge and inspectors or majority of them shall be satisfied that such applicant is a qualified elector of such place The judge of election shall arrange one or more voting compartments suitably curtained in which the electors may mark their ballots

Section 1307 Poll-Books Separate pool-books shall be kept and separate returns made for the electors of each county the poll-books shall name the unit and organization and the place post or hospital in which said election is held the county and township city borough ward or election district of each elector shall be indorsed opposite his name on the poll-books so that there may be a double list of voters

Section 1308 Ballots Ballots for use by persons in military service under the provisions of this article shall be prepared sufficiently in advance by the Secretary of the Commonwealth and shall be by him distributed through the commissioners hereinafter provided or in such other manner as he may think proper to the various military or naval units containing Pennsylvania soldiers entitled to vote at any election Such ballots shall be in substantially the form prescribed by Article X of this act for ballots to be used at the same elections within this Commonwealth but in cases where it is in the opinion of the Secretary of the Commnowealth not feasible to print on said ballots the names of the various candidates for district county and local offices the ballots shall contain blank spaces only under the titles of such offices in which the voters may insert the names of the candidates for whom they desire to vote and in such cases the Secretary of the Commonwealth shall furnish to the judge of election a sufficient number of printed lists containing the names of all the candidates who have been regularly nominated under the provisions of this act for the use of the electors in preparing their ballots

Section 1309 Casting of Ballot The judge or one of the inspectors shall upon the application of an elector to vote pronounce his name audibly and if no objection is made to him and the judge and inspectors are satisfied that said elector is a citizen of the United States and legally entitled according to the Constitution and laws of this State to vote at said election shall issue a ballot to such elector first folding it so that the words printed on the back shall be the only words visible The elector after receiving his ballot shall retire to one of the voting compartments and draw the curtain and shall there prepare his ballot He shall then fold his ballot without displaying the markings in the same way it was folded when received by him and he shall then leave the voting compartment and deposit the ballot thus folded in the ballot box or other receptacle therefor and the clerks shall enter the name of the elector in the poll-book of his county together with the ward election district city borough township and county of his residence

Section 1310 Counting on Votes At the close of the polls the number of voters who have voted shall be counted and set down at the foot of the list of voters and certified and signed by the judge and inspectors and attested by the clerks

Section 1311 Manner of Counting Ballots After the poll-books are signed the ballot-box shall be opened and the ballots therein contained shall be taken out one at a time by the judge who shall read distinctly while the ballot remains in his hand the names of the candidates voted for therein for the several offices voted for and then deliver it to one of the inspectors who shall examine the same and pass it to the other inspector who shall place the same in an envelope prepared for the ballots of such count and carefully preserve the same the same method shall be pursued as to each ballot taken out until all the votes are counted

Section 1312 Rejection of Ballots No ballot which is so marked as to be capable of identification shall be counted and if a ballot is marked for more candidates for any office than the number an elector is entitled to vote for for such office the same shall not be counted for that office but shall be counted for all other candidates properly marked

Section 1313 Tally-Lists As a check in counting each clerk shall keep a tally-list for each county from which votes shall have been received which tally-list shall constitute a part of the poll-books

Section 1314 Enumeration of Votes After the examination of the ballots shall be completed the number of votes for each person in the county poll-books as aforesaid shall be enumerated under the inspection of the judge and inspectors and set down in the poll-books

Section 1315 Form of Poll-Book and Returns The form of the poll-books to be used at such elections shall be determined by the Secretary of the Commonwealth who shall also prescribe the form of return to be made by the election officers in each poll-book of the ballots cast by the electors of the county for which such poll-book is kept

Section 1316 Disposition of Poll-Books and Returns After canvassing the votes in manner aforesaid the judge shall put in an envelope one of the poll-books with its tally-list and return of each county together with the ballots of such county and transmit the same properly sealed up and directed through the nearest post office or by express as soon as possible thereafter to the county board of elections of the county in which such electors would have voted if not in the military service aforesaid (being the county for which the poll-book was kept) and the other poll-book of said county enclosed in an envelope and sealed as aforesaid and properly directed shall be delivered to one of the commissioners hereinafter provided for if such commissioner calls for the same in ten days and if not so called for the same shall be transmitted by mail or by express so soon as possible thereafter to the Secretary of the Commonwealth who shall carefully preserve the same and on demand of the proper county board deliver to said county board under his hand and official seal a certified copy of the return of votes so transmitted to and received by him for said county

Section 1317 Duties of County Boards In the case of any election at which votes are cast by persons in military service under the provisions of this article it shall be the duty of each county board of elections to withhold the completion of the computation of the returns of the county until the third Friday after such election within which period all returns of votes cast by electors of the county in military service as provided in this article shall be added to and included in its computation of the returns of such election

Section 1318 Returns of Federal and State Offices In all general elections for Federal and State offices at which votes are cast by persons in the military service under the provisions of this article it shall be the duty of the Secretary of the Commonwealth before finally computing and certifying the returns of such elections to add to the returns received by him from the various county boards of election any returns of the votes cast by persons in the military service received by him under the provisions of this act which upon an examination of the returns received from the county boards clearly appear not to have been added to and included in such returns by the respective county boards

Sections 1319 Contested Elections All said elections shall be subject to contest in the manner provided by Article XVII of this act and in all cases of contested elections all legal returns which shall have been bona fide forwarded by said judge and inspectors in the manner hereinbefore prescribed shall be counted although the same may not have arrived or been received by the proper officers to be counted in the manner hereinbefore directed before issuing the certificates of election to the persons appearing to have a majority of the votes then received and the said returns shall be subject to all such objections as other returns are liable to when received in due time

Section 1320 Duties of Secretary of the Commonwealth The Secretary of the Commonwealth shall cause to be printed a sufficient number of copies of this article with such extracts from the other portions of this act as shall be deemed important to accompany the same and blank forms of poll-books together with ballots tally-lists returns and envelopes as prescribed in this article which with the necessary postage stamps to defray expenses and postage on returns shall in sufficient time before any such election be forwarded by said secretary at the expense of the Commonwealth by commissioners or otherwise as shall be deemed most certain to insure delivery thereof to the captain or commanding officer of each unit or in case of detached voters to the officer having charge of the post or hospital who shall retain the same until the day of election and then deliver the same to the judge elected as provided in this article No election shall be invalidated by reason of the neglect or failure of the said secretary to cause the delivery of said poll-books ballots and other supplies to the proper persons as aforesaid

Section 1321 Appointment of Commissioners Oath For the purpose of more effectually carrying out the provisions of this article the Governor may appoint and commission under the great seal of the Commonwealth such number of commissioners having the qualifications of an elector in this State as he shall deem necessary not exceeding one to each regiment or equivalent organization of Pennsylvania soldiers in the service of this State or of the United States and shall apportion the work among the commissioners and supply such vacancies as may occur in their number Such commissioners before they act shall take and subscribe an oath or affirmation and cause the same to be filed with the Secretary of the Commonwealth to the following effect

"I .....appointed commissioner under Article XIII of the Election Law regulating elections by persons in actual military service do solemnly swear (or affirm) that I will support the Constitution of the United States and the Commonwealth of Pennsylvania and impartially fully and without reference to political preference or results perform to the best of my knowledge and ability the duties imposed on me by the said act and that I will studiously endeavor to prevent fraud deceit and abuse not only in the elections to be held under the same but in the returns thereof"

Section 1322 Duties of the Commissioners Such commissioners shall deliver as far as practicable at least four of the copies of this article and other extracts from this act and the rules and regulations issued hereunder published as hereinbefore directed and at least two blank forms of poll-books tally-lists and returns entrusted to them together with a suitable number of ballots and other supplies to the commanding officers of every unit or part thereof of Pennsylvania soldiers in the actual military or naval service of the United States or of this State and make suitable arrangements and provision for the opening of polls under this article The said commissioners as soon as practicable after the day of election shall call upon the judge of the election and procure one poll-book containing the returns of the election and safely preserve and deliver the same without delay to the Secretary of the Commonwealth

Section 1323 Compensation of Commissioners Said commissioners shall receive in full compensation for their services under this article ten cents (.10) per mile in going to and returning from their respective organizations estimating the distance of travel by the usually traveled route and the accounts therefor shall be audited and paid out of the State Treasury in the same manner as other claims are now audited and paid All commanding and other officers shall be required to aid the commissioners herein appointed and to give them all proper facilities to enable them to carry out the design and intention of this article

Section 1324 Informalities Not to Invalidate Elections No mere informality in the manner of carrying out or executing any of the provisions of this article shall invalidate any election held under the same or authorize the returns thereof to be rejected or set aside nor shall any failure on the part of the commissioners to reach or visit any unit or organization or the failure of any unit or part thereof to vote invalidate any election which may be held under this article

Section 1325 Powers of Election Officers The several officers authorized to conduct such election shall have the like powers and they as well as other persons who may attend vote or offer to vote at such election shall be subject to the like penalties and restrictions as are declared or provided in the case of elections by the citizens at their usual places of election and all of the provisions of this act so far as applicable and not inconsistent with the provisions of this article nor supplied thereby shall apply to all elections held under this article

Section 1326 No compensation for Election Officers No compensation shall be allowed to any judge inspector or clerk under this article

Section 1327 Rights of Detached Electors When any of the electors mentioned in section 1301 less than ten (10) in number shall be members of companies of another state or territory or for any sufficient and legal cause shall be separated from their proper unit or shall be in a hospital navy yard vessel or on recruiting provost or any other duty whether within or without this state under such circumstances as shall render it probable that they will be unable to rejoin their proper unit or to be present at their proper place of election on or before the day of any election said electors shall have the right to vote in the following manner

Section 1328 Ballots and Envelopes for Detached Electors The Secretary of the Commonwealth shall prepare and distribute to the said detached electors through the commissioners provided for by this article or in such manner as he may think proper additional official ballots to be known as detached soldiers ballots Such ballots shall be prepared and printed in the same form as the ballots provided for by section 1308 of this act but shall have in addition printed thereon the words "Detached Soldiers' Ballot" The Secretary of the Commonwealth shall also provide and distribute as aforesaid three envelopes for each detached soldier's ballot of such size and shape that will permit the placing of one within the other On the first shall be printed only the words "Detached Soldier's Ballot" On the second shall be printed the affidavit of the detached elector together with the jurat of the officer in whose presence the ballot is marked and before whom the affidavit is made such affidavit and jurat to be in form prescribed by the Secretary of the Commonwealth On the third shall be placed the name and address of the county board of elections of the proper county

Section 1329 Voting by Detached Electors Any such detached elector may make application prior to the day of any election to one of the commissioners appointed under the provisions of this article or to the Secretary of the Commonwealth for a "Detached Soldier's Ballot" At any time after receiving such detached soldier's ballot but on or before the day of the election such elector may appear before any commissioned officer of the military or naval forces either within or without the Commonwealth and mark such ballot under the scrutiny of such officer in the following manner The voter shall first display the ballot to such officer as evidence that the same is unmarked and shall then proceed to mark the ballot in the presence of such officer but in such manner that such officer is unable to see how the same is marked and then fold the ballot enclose and securely seal the same in the envelope on which is printed "Detached Soldier's Ballot" This envelope shall then be placed in the one on which is printed the affidavit of the elector and the jurat of the officer before whom the elector appears and such envelope sealed in like manner by the elector The elector shall then make out subscribe and swear to the affidavit printed on the face of such envelope and the jurat shall be subscribed by the officer before whom the affidavit was taken. Such ballot and envelope shall then be securely sealed in the third envelope which the elector shall send by registered mail to the county board of elections of the proper county

Section 1330 Receipt and Counting of Detached Soldiers'

Ballots The county board of elections upon receipt of such registered letter shall safely keep the same in their office until they meet to canvass the vote of such election under the provisions of this act at which time they shall open such registered letter and after examining the affidavit and jurat shall compare the signature of such absent voter with his signature upon any register or other record in their possession If the county board is satisfied that the signatures correspond and that the affidavit and jurat are sufficient they shall announce the name of the elector and shall give any person present an opportunity to challenge the same in like manner and for the same causes as such elector could have been challenged had he presented himself in his own district to cast his vote If there are no challenges they shall open the second envelope in such manner as not to destroy the affidavit and jurat printed thereon which envelope shall be kept in their office for a period of one year thereafter All envelopes on which are printed the words "Detached Soldier's Ballot" and containing the ballots shall be put into one depository at one time and said depository well shaken and the envelopes containing the ballots mixed before any ballot is taken therefrom The county board shall then break the seals of such envelopes and record the said ballots in the same manner as district election officers are required to record votes under the provisions of this act In like manner all detached soldier's ballots received prior to completion of the computation of the returns of the county shall be counted and recorded and upon the completion of the computation of the returns of the county the votes cast upon the detached soldier's ballots shall then be added to the votes cast within the county city borough township ward or election district as designated on each ballot Detached soldier's ballots shall be safely kept by the county board of elections for a period of one year

ARTICLE XIV

Returns of Primaries and Elections

Section 1401 Offices of County Board to Remain Open During Primaries and Elections and Until Completion of Count Reports and Returns to Be Made Public Each county board of elections shall cause its office to remain open in charge of one or more members of the board during the entire duration of each primary and election and after the close of the polls until all the ballot boxes and returns have been received in the office of the county elections board or received in such other place as has been designated by the board

Section 1402 Returns to be Open to Public Inspection Exceptions The general returns from the various districts which have been returned unsealed shall be open to public inspection at the office of the county board as soon as they are received from the judges of election None of the envelopes sealed by election officers and entrusted to the judge of election for delivery to the county board shall be opened by any person except by the order of the return board or of the Court of Common Pleas

Section 1403 Place of Meeting for Computation of Votes Notice Papers to Be Prepared Assistants to be Sworn

(a) The county board of elections shall arrange for the computation and canvassing of the returns of votes cast at each primary and election at its office or at some other convenient public place at the county seat with adequate accommodations for the watchers and attorneys authorized by this act to be present who shall be permitted to keep or check their own computation of the votes cast in the several election districts as the returns from the same are read as hereinafter directed The county board shall give at least one week's previous notice by newspaper publication as provided by section 106 of this act of the time and place when and where the board will commence and hold its sessions for the computation and canvassing of the returns and keep copies of such advertisement posted in its office during said period The county board shall also prepare a sufficient number of blank forms of returns made out in proper manner and headed as the nature of the primary or election may require for making out full and fair statements of all votes which shall have been cast within the county or any political district therein according to the returns from the several election districts thereof for any person voted for therein or upon any question voted upon therein All the clerks of the county board and other persons designated to assist in the computation and canvassing of the votes shall be first sworn to perform their duties impartially and not read write count or certify any return or vote falsely or fraudulently

(b) If any member of the county board of any county shall be a candidate for any nomination or election to public office he shall not act as a member of said board for the computation and canvassing of returns but the other members if qualified shall act and in case in any county there are not at least a majority of the members of said board so qualified two (2) or more judges of the Court of Common Pleas shall be designatetd by said court to act as a return board provided that neither of them is a candidate for any nomination or election to public office and if there shall be only one judge of such court in such county or if less than two (2) judges are qualified and able to act in such county any judge who is qualified may act alone and if there be none qualified the prothonotary of such county shall act as the return board and if the prothonotary shall be a candidate for any nomination or election to any public office then the sheriff of the county shall act as the return board

Section 1404 Computation of Returns by County Board Certification Issuance of Certificates of Election

(a) The county board shall at noon on the second day following the primary or election at its office or at some other convenient public place at the county seat of which due notice shall have been given as provided by section 1403 publicly commence the computation and canvassing of the returns and continue the same from day to day until completed in the manner hereinafter provided For this purpose any county board may organize itself into sections each of which may simultaneously proceed with the computation and canvassing of the returns from various districts of the county in the manner provided by this section Upon the completion of such computation and canvassing the board shall tabulate the figures for the entire county and sign announce and attest the same as required by this section

(b) It shall be the duty of each board of registration commissioners in each county before the time fixed for the county board to convene for purpose of computing and canvassing returns of any primary or election to certify to said county board the total registration of each election district within its jurisdiction and the enrollment of each district by political parties at primaries The county board before computing the votes cast in any election district shall compare said registration and enrollment figures with the certificates returned by the election officers showing the number of persons who voted in each district or the number of ballots cast If upon consideration by said return board of the returns before it from any election district and the certificates aforesaid it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of registered or enrolled electors in said election district or exceeds the total number of persons who voted in said election district or the total number of ballots cast therein or if it shall appear that the total number of partisan votes returned for any candidate or candidates for the same office or nomination at any primary exceeds the number of electors registered or enrolled in said district as members of that political party or exceeds the total number of persons belonging to that party who voted in said district or the total number of ballots of that party cast therein in any such case such excess shall be deemed a discrepancy and palpable error and shall be investigated by the return board and no votes shall be recorded from such district until such investigation shall be had and such excess shall authorize (a) the summoning of the election officers overseers machine inspectors and clerks to appear forthwith with any election papers in

their possession (b) the production of the ballot box before the return board and the examination and scrutiny of all of its contents and all of the registration and election documents whatever relating to said district in the presence of representatives of each party and candidate interested who are attending the canvass of such votes and the recount of the ballots contained in said ballot box either generally or respecting the particular office nomination or question as to which the excess exists in the discretion of the return board (e) the correction of the returns in accordance with the result of said recount (d) in the discretion of the return board the exclusion of the poll of that district either as to all offices candidates questions and parties or as to any particular offices candidates questions or parties as to which said excess exists if the ballot box be found to contain more ballots than there are electors registered or enrolled in said election district or more ballots of one party than there are electors registered or enrolled in said district as members of that party or more ballots than the number of voters who voted at said election or more ballots of one party than the number of voters of that party who voted at said election (e) a report of the facts of the case to the district attorney where such action appears to be warranted

(c) The county board shall first publicly account for all extra official ballots printed under the provisions of Section 1007 of this act The general returns made by the election officers from the various election districts shall then be read one after another in the usual order slowly and audibly by one of the clerks who shall in each case of a return from a district in which ballots were used read therefrom the number of ballots (in the case of primaries the number of ballots of each party) issued spoiled and cancelled and cast respectively whereupon the clerk having charge of the records of the county board showing the number of ballots furnished for each election district including the number of extra official ballots as provided by Section 1007 of this act as so furnished and the number of stubs and unused ballots and spoiled and cancelled ballots returned shall publicly announce the number of the same respectively and unless it appears by said number or calculations therefrom that said records and the said general return correspond no further returns shall be read from the latter until all discrepancies are explained to the satisfaction of the county board In the case of districts in which voting machines are used there shall be read from the general return the identifying number or other designation of each voting machine used the numbers registered on the protective counter or device on each machine prior to the opening of the polls and immediately after the close of the same whereupon the clerk having charge of the records of the county board showing the number registered on the protective counter or device of each voting machine prior to delivery at the polling place shall publicly announce the numbers so registered and unless it appears that the said records and the said general return correspond no further returns shall be read from the latter until any and all discrepancies are explained to the satisfaction of the county board

(d) (1) In districts in which paper ballots have been used when the records agree with said returns regarding the number of ballots and the number of votes recorded for each candidate (on each party ticket at primaries) said votes for each candidate shall be read by the clerk slowly audibly and in an orderly manner from the general return which has been returned unsealed and the figures announced shall be compared by other clerks with the general return which has been returned sealed The figures announced for all districts shall be compared by one of the clerks with the tally papers from the respective districts If any discrepancies are discovered the county board shall thereupon examine all of the return sheets tally papers and other papers in its possession relating to the same election district If the tally papers and sealed general return sheet agree the unsealed general return shall be forthwith corrected to conform thereto But in every other case the county board shall forthwith cause the ballot box of the district to be opened and the vote therein to be recounted in the presence of attorneys watchers and candidates interested and if the recount shall not be sufficient to correct the error the county board may summon the election officers and overseers if any to appear forthwith with all election papers in their possession (2) In districts in which voting machines have been used when the records agree with the returns regarding the number registered on the voting machine the votes recorded for each candidate shall be read by the clerk slowly audibly and in an orderly manner from the general return sheet which has been returned unsealed and the figures announced shall be compared by other clerks with the duplicate return sheet which has been returned sealed and if the voting machine is of the type equipped with mechanism for printing paper proof sheets said general and duplicate return sheets shall also be compared with said proof sheets which have been returned as aforesaid If any discrepancies are discovered the county board shall thereupon examine all of the return sheets proof sheets and other papers in its possession relating to the same election district The said proof sheets shall be deemed to be the primary evidence of the result of the election and to be prima facie accurate and if the proper proof-sheets properly identified shall be mutually consistent and if the general and duplicate returns or either of them from said district shall not correspond with said proof sheets they shall be corrected so as to correspond with same in the absence of allegation of specific fraud or error proved to the satisfaction of the county board (3) If any error or fraud is discovered the county board shall compute and certify the votes justly regardless of any fraudulent or erroneous returns presented to it and shall report the facts to the district attorney of the proper county for action

(e) Provision for Recanvass of Vote (1) Whenever it shall appear that there is a discrepancy in the returns of any election district or upon petition of three voters of any district verified by affidavit that an error although not apparent on the face of the returns has been committed therein or of its own motion the county board shall at any time prior to the completion of the computation of all of the returns for the county summon the election officers of the district and said officers in the presence of said board shall make a record of the number of the seal upon the voting machine and the number on the protective counter or other device shall make visible the registering counters of such machine and without unlocking the machine against voting shall recanvass the vote cast thereon Before making such recanvass the said board shall give notice in writing to the proper custodian of voting machines and to each candidate and to the county chairman of each party or political body affected by the canvass and each such candidate may be present in person or by attorney and each of such parties or bodies may send two representatives to be present at such recanvass If upon such recanvass it shall be found that the original canvass of the returns has been correctly made from the machine and that the discrepancy still remains unaccounted for the said board with the assistance of the custodian in the presence of the election officers and the authorized candidates and representatives shall unlock the voting and counting mechanism of the machine and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes if any of the discrepancy in returns from such machine Each counter shall be reset at zero (000) before it is tested after which it shall be operated at least one hundred times After the completion of such examination and test the custodian shall then and there prepare a statement in writing giving in detail the result of the examination and test and such statement shall be witnessed by the persons present and shall be filed with the said board If upon such revancass it shall appear that the original canvass of the returns by the election officers was incorrect the said returns and all papers being prepared by the said board shall be corrected accordingly (2) Provided however That in the case of returns from

any election district wherein the election was held by the use of a voting machine equipped with mechanism for printing paper proof-sheets said proof-sheets if mutually consistent shall be deemed to be the primary evidence of the result of the election and to be prima facie accurate and there shall not be considered to be any discrepancy or error in the returns from any such district such as to require a recanvass of the vote if all available proof-sheets from the voting machine used therein identified to the satisfaction of the return board and shown to its satisfaction to have been produced from proper custody shall be mutually consistent and if the general and duplicate returns or either of them from said district shall not correspond with said proof-sheets they and all other papers being prepared by said return board shall be corrected so as to correspond with the same in the absence of allegation of specific fraud or error proved to the satisfaction of the return board by the weight of the evidence and only in such case shall the vote of said election district be recanvassed under the provisions of this section

(f) As the returns from each election district are read computed and found to be correct or corrected as aforesaid they shall be recorded on the blanks prepared for the purpose until all the returns from the various election districts which are entitled to be counted shall have been duly recorded when they shall be added together announced and attested by the clerks who made and computed the entries respectively and signed by the members of the county board At the expiration of ten days in case no petition for a recount or recanvass has been filed in accordance with the provisions of this act or upon the completion of the recount or recanvass if a petition therefor has been filed within ten days the county board shall certify the returns so computed in said county in the manner required by this act unless upon appeals taken from any decision the Court of Common Pleas shall have directed any returns to be revised or unless in case of a recount errors in the said returns shall have been found in which case said returns shall be revised corrected and certified accordingly The county board shall thereupon in the case of elections issue certificates of election to the successful candidates for all county city borough township ward school district poor district and election offices and local party offices to be filled by the votes of the electors of said county or of any part thereof

Section 1405 Meaning of computing irregular ballots The County Board in computing the votes cast at any primary or election shall compute and certify votes cast on irregular ballots exactly as such names were written stamped affixed to the ballot by sticker or deposited or affixed in or on receptacles for that purpose and as they have been so returned by the election officers

Section 1406 Petition to Establish Idenity by Candidate Nominated under Different Names Cumulation Prohibited Any person who has been nominated at a primary election by more than one party for the same office under different names may at any time not later than five (5) days after the certification by the county board of the votes cast at a primary election present a petition to the Court of Common Pleas of the proper county praying for an order declaring such petitioner by his true name to be the person who was thus nominated by more than one party under different names If the court shall determine that the different names so apearing on the returns of the primary represent one and the same person the court shall enter an order finding said fact and directing the county board to revise its return accordingly Jurisdiction is hereby conferred upon the Courts of Common Pleas to entertain such petitions and to make the orders provided herein No such order shall be entered by any court uness notice of the filing of said petition shall first have been given to the county board and to all the other candidates who appear to have been nominated for the same office in such manner as the court may by its order direct which notice shall specify the time and place of the hearing on said petition Upon the filing of any such petition said court shall proceed to hear said matter without delay having due regard to the proximity of the ensuing election Immediately upon the entry of any order as aforesaid a certified copy thereof shall be served on the county board which shall correct and revise its returns accordingly No candidate for public office at any November election whose name for any reason is printed more than once for the same office on any ballot at any general municipal or special election shall be entitled to have cumulated either by the election officers by the county board or by any court the votes cast after such different names

Section 1407 Appeals to Court From Decisions of the County Board

(a) Any person aggrieved by any order or decision of any county board regarding the computation or canvassing of the returns of any primary or election or regarding any recount or recanvass thereof under sections 1701 1702 and 1703 of this act may appeal therefrom within two days after such order or decision shall have been made whether then reduced to writing or not to the Court of Common Pleas of the proper county setting forth why he feels that an injustice has been done and praying for such order as will give him relief Upon the payment to the prothonotary of a fee of $3.00 for filling such appeal a judge of the court shall fix a time and place for hearing the matter in dispute within three days thereafter of which due notice shall be served with a copy of such appeal by the appellant upon a member of the county board whose action is complained of and upon every attorney watcher or candidate who opposed the contention of the appellant before the county board and upon any other person that the judge shall direct at least two days before the matter shall be reviewed by the court Proof of such notice or the waiver thereof must be filed therein before any appeal is sustained

(b) The court on an appeal shall have full power and authority to hear and determine all matters pertaining to any fraud or error committed in any election district to which such appeal relates and to make such decree as right and justice may require Pending such appeal the county board shall suspend any official certification of the votes cast in such election district None of the orders or decisions of either the county board or the Court of Common Pleas on appeal shall be deemed a final adjudication regarding the results of any primary or election so as to preclude any contest thereof No appeal shall be allowed or granted from any order or decree of the Court of Common Pleas made in pursuance of this section The Court of Common Pleas upon any appeal under this section may compel the appelant or any opposing party other than the county board to pay all the witness fees if any or other legal costs of the hearing which costs may be taxed by the prothonotary in the usual manner

Section 1408 Copy of Certified Returns to be Filed Copy to be Forwarded to the Secretary of the Commonwealth Duplicate Copies After the certification of the returns of any primary or election as provided by Section 1404 of this act the county board shall retain in its office one copy of the returns so certified In the case of elections of presidential electors United States senators representatives in Congress governor lieutenant governor auditor general State treasurer and secretary of internal affairs judges of the Supreme Court Judges of the Superior Court and Judges of other courts of record including associate judges senators and representatives in the general assembly a separate certificate showing totals of the returns cast for each of such offices respectively shall also be forwarded by the county board to the Secretary of the Commonwealth on forms furnished by the Secretary of the Commonwealth

Section 1409 Secretary of the Commonwealth to Tabulate Compute and Canvass Returns Upon receiving the certified returns of any primary or election from the various county boards the Secretary of the Commonwealth shall forthwith proceed to tabulate compute and canvass the votes cast for all candidates enumerated in section 1408 and upon all questions voted for by the electors of the State at large and shall thereupon certify and file in his office the tabulation thereof

Section 1410 Returns of Local Officers Voted for in Two or More Counties Certificates of Election Returns of county

and local officers commissioned by Governor to be Transmitted to Governor Commissions Contests

(a) In the case of any city borough township ward school district or poor district office or of the submission of any question to the electors voted for or upon by the electors of two or more counties or parts of counties the county election board in each of the counties in which such municipality is located shall certify to the county board of the county in which reside the majority of registered electors of such city borough township ward school district or poor district the return of the vote cast for such officers or upon such questions After completing the tabulation of such returns the return board of said county shall issue certificates of election to the successful candidates In case of any county borough city or township officer who is by law required to be commissioned by the Governor the said return board shall also transmit a certified copy of such return to the Secretary of the Commonwealth who shall forthwith lay the results of such election before the Governor

(b) In case of the election of judge of a court of record prothonotary clerk of the courts recorder of deeds register of wills or any other officer required by law to be commissioned by the Governor in any of the several counties of this Commonwealth it shall be the duty of the county elections board to transmit immediately to the Secretary of the Commonwealth a certified copy of the returns for all such offices The Secretary of the Commonwealth shall forthwith lay the return so made before the Governor and the Governor shall issue a commission to any persons elected to said offices notwithstanding that the election of such person to any or either of said offices may be contested in the manner provided by this act

(c) Whenever it shall appear by the decision of the proper tribunal having jurisdiction of a contested election that the person to whom said commission shall have been issued has not been legally elected to the office for which he has been commissioned then a commission shall issue to the person who shall appear to be legally elected to said office the issuing of which commission shall nullify and make void the commission already issued and all power and authority under said commission first issued shall thereupon cease and determine

Section 1411 Secretary of the Commonwealth to Certify Votes of National Delegates and Members of State Committee Following his tabulation of the returns received from each spring primary the Secretary of the Commonwealth shall issue certificates of election to the persons in each political party who have been duly elected delegates or alternate delegates to the National convention of each party and to the persons in each party who have been duly elected members of the National committee or the State committee of each party In the case of delegates or alternate delegates to a National party convention the certificates of election shall show the number of votes received in the State or in the political district as the case may be by each candidate of such delegate's or alternate delegate's political party for nomination as President of the United States The Secretary of the Commonwealth shall also certify to the State chairman of each party the votes cast for each candidate for the office of member of State committee of each party

Section 1412 Secretary of the Commonwealth to Certify President Votes by Congressional Districts The Secretary of the Commonwealth following his tabulation of the returns from each such spring primary held in years in which candidates for President of the United States are to be nominated shall prepare a statement from the said returns showing the total number of votes cast in the State and in each congressional district of the State for each political party for nomination as President of the United States

Section 1413 United States Senators Representatives in Congress Certificates of Election Returns Upon completing the tabulation of any election for United States Senator or Representatives in Congress the Secretary of the Commonwealth shall lay the same before the Governor who shall immediately issue certificates of election under the seal of the Commonwealth duly signed by himself and attested by the Secretary of the Commonwealth and deliver the same to the candidates receiving the highest number of votes for the respective offices The Governor shall also transmit the returns of such election to the President of the United States Senate in the case of the election of a United States Senator and to the Speaker of the House of Representatives of the United States in the case of the election of Representatives in Congress The Governor shall issue his proclamation declaring the names of the persons elected to the offices of United States Senator and Representatives in Congress

Section 1414 Members of the General Assembly Certificates of Election Returns The Secretary of the Commonwealth shall issue certificates of election to the persons elected members of the Senate and House of Representatives of the Commonwealth and between the hours of twelve noon and one p. m. on the first Tuesday in January of each odd-numbered year present before the Senate and the House of Representatives the several returns of the elections of members of the respective houses Provided however That if the General Assembly shall be convened in Extraordinary Session during the month of December next following their election the said returns shall be presented as aforesaid on the first day of said Extraordinary Session In case of a special election occurring during a session of the General Assembly he shall present the returns thereof to the proper house as soon as received and tabulated by him

Section 1415 Governor and other State Officers Judges Certificates of Election Commissions The Secretary of the Commonwealth at the first meeting of the General Assembly following the election of a Governor Lieutenant Governor Secretary of Internal Affairs Auditor General or State Treasurer shall deliver to the President of the Senate the returns of elections for all such offices who shall open and publish them in the presence of members of both houses of the General Assembly The person receiving the highest number of votes for the respective offices shall be declared elected thereto and certificates of such elections shall be made and filed with the Secretary of the Commonwealth The Secretary of the Commonwealth shall immediately lay before the Governor such certificates of election except the certificate of election of Governor whereupon the Governor shall issue a proclamation of the election of such persons and issue a commission to each person so elected The Secretary of the Commonwealth shall immediately after tabulating and computing the returns of each election of Judge of the Supreme Court of the Superior Court and of every other court of record certify the result thereof to the Governor who shall immediately declare by proclamation the name of the person so elected and shall issue a commission to such person

Section 1416 Presidental Electors Proclamation of Persons Elected The Secretary of the Commonwealth on receiving and computing the returns of the election of presidential electors shall lay them before the Governor who shall enumerate and ascertain the number of votes given for each person so voted for and shall thereupon declare by proclamation the names of the persons duly elected He shall also cause a certificate of election to be delivered to each person so chosen

Section 1417 Persons Receiving Highest Number of Votes to Be Declared Elected Except as otherwise provided by law the persons receiving the highest number of votes for any office at any election shall be declared elected to such office up to the number required by law to be elected thereto

Section 1418 Tie Votes In the case of a tie vote not otherwise provided for by law the candidates receiving the tie vote shall cast lots before the county board or the Secretary of the Commonwealth as the case may be at 12 o'clock noon on the third Friday after the election and the one to whom the lot shall fail shall be declared elected In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday after the election the time for casting lots shall be 12 o'clock noon of the second day after the fact of such tie vote is authoritatively determined If any candidate or candidates receiving a tie vote fail to appear before twelve o'clock noon of said day the county board or the Secretary of the Commonwealth as the case may

be shall cast lots for him or them For the purpose of casting lots any candidate may appear in person or by proxy duly appointed in writing

ARTICLE XV

Electoral College

Section 1501 Election of Presidential Electors At the general election to be held in the year 1940 and every fourth year thereafter there shall be elected by the qualified electors of the Commonwealth persons to be known as electors of President and Vice-President of the United States and referred to in this act as "Presidential Electors" equal in number to the whole number of Senators and Representatives to which this State may be entitled in the Congress of the United States

Section 1502 Meeting of Electors Duties The electors chosen as aforesaid shall assemble at the seat of government of this Commonwealth at 12 o'clock noon of the day which is or may be directed by the Congress of the United States and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States

Section 1503 Filling of Vacancies Existing in Presidential Electors If any such presidential elector shall die or for any cause fail to attend at the seat of government at the time appointed by law the electors present shall proceed to choose viva voce a person of the same political party as such deceased or absent elector to fill the vacancy occasioned thereby and immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor who shall forthwith cause notice in writing to be given to such person of his election and the person so elected (and not the person in whose place he shall have been chosen) shall be an elector and shall with the other electors perform the duties enjoined on them

Section 1504 Compensation of Presidential Electors Expenses of Electoral College Each presidential elector aforesaid shall receive from the State Treasury the sum of three dollars for every day spent in traveling to remaining at and returning from the place of meeting aforesaid and shall be entitled to mileage at the rate of three cents per mile to and from his home to be computed by the ordinary mail route between their homes and the place of meeting aforesaid And the contingent expenses of the electoral college not exceeding one hundred dollars in amount shall likewise be paid by the State Treasurer in both cases upon warrants drawn by the presiding officer of the college

ARTICLE XVI

Primary and Election Expenses

Section 1601 Definitions As used in this article the following words shall have the following meanings

(a) The words "candidate for nomination" shall mean a candidate at any primary for nomination to any public office to be voted for in this State and shall not be limited to mean a person by or on behalf of whom a nomination petition has been filed in the manner provided by this act and whose name is printed on the ballots or ballot labels to be used at such primary but shall include any person whose name is written in on the ballot by electors or inserted by means of stamps or stickers

(b) The words "candidate for election" shall mean a candidate for election to any public office to be voted for in this State and shall not be limited to mean a person who has been nominated at a primary or by a nomination certificate or nomination paper in accordance with the provisions of this act and whose name is printed on the ballots or ballot labels to be used at such election but shall include any person whose name is written on the ballot by electors or inserted by means of stamps or stickers

(c) The words "political committee" shall include every two or more persons who shall be elected appointed or chosen or who shall have associated themselves or cooperated for the purpose wholly or in part of raising collecting or disbursing money or of controlling or directing the raising collection or disbursement of money for primary or election expenses

(d) The words "primary expenses" shall include all expenditures of money or other valuable things made and liabilities incurred in furtherance of or in respect to the candidacy of any candidate for nomination at a primary for public office or to defeat the candidacy of any candidate for nomination to public office whether such expenditures are made during or after the primary

(e) The words "election expenses" shall include all expenditures of money or other valuable things made and liabilities incurred in furtherance of or in respect to the election of any candidate for election to any public office or to defeat the candidacy of any candidate for election to public office whether such expenditures are made before during or after the election The words "election expenses" shall also include all expenditures of money or other valuable things made and liabilities incurred in furtherance of in opposition to in respect to a vote on any proposed Constitutional amendment or on any other question to be voted on by the electors of the State at large or by the electors of any county city borough township poor district or school district whether said question is voted on at any primary general municipal or special election and whether or not such expenditures are made before during or after said election

Section 1602 Political Committees Treasurer Every political committee shall appoint and constantly maintain a treasurer to receive keep and disburse all sums of money which may be collected or received by such committee or by any of its members for primary or election expenses and unless such treasurer is first appointed and thereafter maintained it shall be unlawful for a political committee or any of its members to collect receive or disburse money or incur liability for any such purpose All money collected or received by any political committee or by any of its members for primary or election expenses shall be paid over and made to pass through the hands of the treasurer of such committee and shall be disbursed by him and it shall be unlawful for any political committee or any of its members to disburse any money for primary or election expenses unless such money shall have passed through the hands of the treasurer

Section 1603 Authorization of Political Committees to Act for Candidates for Nomination and Election

(a) No treasurer of any political committee shall receive or disburse any money or incur any liability for primary expenses in furtherance of the candidacy of any candidate for nomination until such political committee shall have been authorized in writing by the candidate to receive and disburse money and incur liability for his primary expenses and a copy of such written authorization shall have been filed in the office of the Secretary of the Commonwealth in the case of State-wide committees or in the office of the county board of elections of the county in which such treasurer maintains his office in the case of other committees

(b) No treasurer of any political committee shall receive or disburse any money or incur any liability for election expenses in furtherance of the candidacy of any candidate for election until such political committee shall have been authorized in writing by the candidate to receive and disburse money and incur liability for his election expenses and a copy of such written authorization shall have been filed in the office of the Secretary of the Commonwealth in the case of State-wide committees or in the office of the county board of elections of the county in which such treasurer maintains his office in the case of other committees Provided however That the treasurer of any State county city borough township ward or other regularly constituted party committee of any political party or political body is hereby authorized to receive and disburse money and incur liability for the election expenses of the candidates of such political party or political body without special written authorization from such candidates

Section 1604 Contributions by Agent Vouchers Payment of Petty Expenses

(a) It shall be unlawful for any person to make any contribution for primary or election expenses with funds designated or given to him for the purpose by any other person firm or corporation Each person making a con-

tribution for primary or election expenses shall do so only in his own name

(b) Every payment made by a candidate or treasurer of a political committee for or in respect to any primary or election expenses amounting to ten dollars or more shall be vouched for by a bill stating the payment and by a receipt and shall be made by check or money order drawn to the order of the individual association or corporation to whom the payment is due

(c) Any person may if so authorized in writing by a candidate pay in behalf of the candidate the necessary expenses of the candidate for stationery postage telegraph telephone and public messenger services and traveling expenses including carefare gasoline hotel bills and other petty expenses Each person so authorized shall be reimbursed by the candidate or by a treasurer of a political committee supporting his candidacy for the amount so paid upon the submission of a sworn statement of the payment or payments made by him which shall be vouched for by a bill containing the receipt of that person

Section 1605 Contributions for Election Expenses to Be Made to Candidates or Treasurers Contributions by Corporations Prohibited

(a) No person who is not a candidate or no treasurer of a political committee shall pay give or lend or agree to pay give or lend any money or any other valuable thing to or incur any liability for any primary or election expenses whatever in behalf of any person or persons except a candidate or a political committee having a treasurer

(b) No corporation or officer or agent thereof whether incorporated under the laws of this or any other State or any foreign country shall pay give or lend or authorize to be paid given or lent either directly or through any other person or in reimbursement of any such payment gift or loan by any other person any money or other valuable thing belonging to such corporation or in its custody or control to any candidate or political committee for the payment of any primary or election expenses or for any political purpose whatever

Section 1606 Lawful Primary and Election Expenses No candidates or treasurer of any political committee shall pay give or lend or agree to pay give or lend directly or indirectly any money or other valuable thing or incur any liability on account of or in respect to any primary or election expenses whatever except for the following purposes

First For printing and traveling expenses and personal expenses incident thereto stationery advertsing postage expressage freight telegraph telephone and public messenger service

Second For the rental of radio facilities and amplifier systems

Third For political meetings demonstrations and conventions and for the pay and transportation of speakers

Fourth For the rent maintenance and furnishing of offices

Fifth For the payment of clerks typewriters stenographers janitors and messengers actually employed

Sixth For the transportation of electors to an from the polls

Seventh For the employment of watchers at primaries and elections to the number and in the amount permitted by this act

Eighth For expenses legal counsel incurred in good faith in connection with any primary or election

Section 1607 Expense Accounts to Be Filed

(a) Every candidate for nomination or election and every treasurer of a political committee or person acting as such treasurer shall within thirty days after every primary and election at which such candidate was voted for or with which such political committee was concerned if the amount received or expended or liabilities incurred shall exceed the sum of fifty dollars file a full true and detailed account subscribed and sworn to by him setting forth each and every sum of money received contributed or disbursed by him for primary or election expenses the date of each receipt contribution and disbursement the name of the person from whom received or to whom paid and the specific object or purpose for which the same was disbursed Such account shall also set forth the unpaid debts and liabilities of any such candidate or committee for primary or election expenses with the nature and amount of each and to whom owing In the case of the treasurer of a political committee the account shall include any unexpended balance of contributions or other receipts appearing from the last previous account filed by him In the case of candidates for election who have previously filed accounts of their primary expenses as candidates for nomination the accounts shall only include receipts contributions and disbursements subsequent to the date of such prior accounts

(b) If the aggregate receipts or disbursements and liabilities of a candidate or a political committee in connection with any primary or election shall not exceed fifty dollars the candidate or treasurer of the committee as the case may be shall within thirty days after the primary or election certify that fact under oath to the officer or board with whom expense accounts are required to be filed as hereinafter provided Provided however That if a candidate or political committee does not receive any contributions or make any disbursements or incur any liabilities he or it shall not be required to file any account or to make any affidavit but such candidate or political committee shall be deemed for all purposes of this act to have filed an expense account showing no receipts disbursements or liabilities for primary or election expenses

(c) Every expense account filed under the provisions of this section shall be accompanied by vouchers for all sums expended amounting to ten ($10) dollars or more It shall be unlawful for any candidate agent or treasurer to disburse any money received from any anonymous source

Section 1608 Place of Filing Expense Accounts Every such account concerning primary or election expenses incurred by or in regard to candidates for offices to be voted for by the electors of the State at large shall be filed with the Secretary of the Commonwealth and every such account concerning expenses incurred by or in regard to candidates for other offices shall be filed with the county board of elections of the County wherein the candidate resides Provided however That if any account concerns expenses in regard to candidates who do not all reside in the same county a duplicate of such account shall be filed in the office of the county board of elections of each county in which any such candidate (not being a candidate for an office to be voted for by the electors of the State at large) resides

Section 1609 Oath of Office Taking Office Receiving Salary It shall be unlawful to administer the oath of office to any candidate elected to any public office until the accounts and affidavits required by this act to be filed in respect of the primary expenses (if such candidate was nominated at a primary) and election expenses incurred by or in regard to such candidate have been filed by the candidate and by the treasurer of every political committee authorized under the provisions of Section 1603 of this act to receive and disburse money and incur liability for his primary or election expenses or which to his knowledge has received or disbursed money or incurred liability for his primary or election expenses whether authorized as aforesaid or not and no such person shall enter upon the duties of his office until the said accounts and affidavits shall have been filed nor shall he receive any salary or other compensation appurtenant to the office for any period prior to the filing of such accounts and affidavits

Section 1610 Inspection and Preservation of Accounts and Affidavits All such expense accounts and affidavits shall be open to public inspection in the office where they are filed and shall be carefully preserved by the officer or board in charge thereof and not removed therefrom except upon the order of a competent court for a period of two years after filing

Section 1611 Audit of Expense Accounts

(a) Within twenty days after the last day for filing any expense account and affidavit required by this act any five electors of the State or of the political division

may present a petition to the Court of Quarter Sessions of the county in which is situated the office where such account has been filed praying for an audit of such account Thereupon the court shall direct the officer or board with whom such account has been filed to certify the same to the court for audit and may in its discretion require security to be entered for costs The court may in its discretion appoint an auditor to audit such account but the fees of such auditor shall not exceed the sum of $10.00 per day for each day actually engaged The court or auditor shall fix a day as early as may be convenient for the audit at which time the person by whom such account has been filed shall be required to be present in person to vouch his account and to answer an oath or affirmation all such relevant questions concerning the same as may be put to him by the petitioners or their counsel The auditor shall issue subpoenas to all parties whom the petitioners or the accountant may require to give evidence concerning such account and he shall determine subject to exception all questions as to the admissibility of evidence and shall file a copy of the evidence with his report If upon the audit the court shall decide that the account was false in any substantial manner or that any expenses have been incurred in contravention of this act the costs of said audit shall be paid by the accountant otherwise the court shall make such order as to payment of costs as shall be just in the circumstances

(b) The decision of the court upon the audit shall be subject to appeal to the Superior Court

(c) If the court shall decide upon the audit that any person whether a candidate or not has accepted contributions or incurred expense or has expended or disbursed money in contravention of this act or has otherwise violated any of the provisions of this act it shall certify its decision to the district attorney of the county in which such person may reside and it shall thereupon be the duty of such district attorney to institute criminal proceedings against such person

(d) No person shall be excused from answering any question in any proceeding under this section on the ground that such answer would tend to incriminate him but no such answer shall be used as evidence against such person in any criminal action or prosecution whatever except in an action for perjury in giving such testimony

Section 1612 Quo Warranto Proceedings If upon audit of any expense account or accounts under the provisions of this act it shall appear that any candidate who has been nominated or elected has accepted any contributions incurred any expenses or disbursed any money in contravention of this act either directly or through the treasurer of any committee authorized by Section 1603 of this act to pay or incur primary or election expenses in furtherance of his candidacy or through any other person with his knowledge and consent whether expressly authorized or not the Court of Quarter Sessions shall forthwith certify that fact to the attorney general who thereupon shall file in the proper court a suggestion for a writ of quo warranto against such candidate If upon the hearing of such writ it shall be determined that such candidate has accepted any contribution incurred any expense or disbursed any money in contraventio of this act either directly or through the treasurer of any committee authorized by Section 1603 of this act to pay or incur primary or election expenses in furtherance of his candidacy or through any other person with his knowledge and consent whether expressly authorized or not judgment of ouster from nomination in the case of a candidate for nomination where the judgment is entered prior to the subsequent election or judgment of ouster from office in the case of a candidate for election or in the case of a candidate for nomination who has been subsequently elected to the office for which he was nominated shall be entered against him Provided however That in the case of a candidate elected to the office of senator or representative in the General Assembly the decision of the court shall be certified to the president of the Senate or to the speaker of the House of Representatives as the case may be And provided further That in the case of candidate elected to the office of United States Senator or representative in Congress the decision of the court shall be certified to the Governor of this Commonwealth who shall transmit the same to the president of the Senate or to the speaker of the House of Representatives as the case may be

Section 1613 Secretary of the Commonwealth to Supply Forms of Expense Account The Secretary of the Commonwealth shall prescribe the form of blanks suitable for the accounts and affidavits required by this act It shall be the duty of the Secretary of the Commonwealth to transmit to each candidate for nomination or election to the office of presidential elector United States senator representative in Congress and every State office including senators representatives and judges of courts of record whose nomination petitions certificates or papers have been filed in his office or who appear by the returns of any primary to have been nominated thereat a sufficient quantity of such blanks He shall also transmit a sufficient quantity of such blanks to the treasurer of the State committee of each political party and political body and of every other state-wide political committee of which he has knowledge prior to each election It shall be the duty of the county boards of elections to transmit to the candidates for nomination and election to all other offices whose nomination petitions certificates or papers have been filed in their offices or who appear by the returns of any primary to have been nominated thereat a sufficient quantity of such blanks They shall also transmit a sufficient quantity of such blanks to the treasurer of the county committee of each political party and political body in the county and to the treasurer of any other political committee within the county of which they have knowledge Such blanks shall also be furnished to any person required to file an account upon application therefor

ARTICLE XVII

Recounts and Contests

(a) Recounts

Section 1701 Opening Ballot Boxes Upon Petition of Electors Alleging Fraud or Error Deposit or Bond (A) The court of common pleas or a judge thereof of the county in which any election district is located in which ballots were used shall open the ballot box of such election district used at any general municipal special or primary election held therein and cause the entire vote thereof to be correctly counted by persons designated by such court or judge if three qualified electors of the election district shall file as hereinafter provided a petition duly verified by them alleging that upon information which they consider reliable they believe that fraud or error although not manifest on the general return of votes made therefrom was committed in the computation of the votes cast for all offices or for any particular office or offices in such election district or in the marking of the ballots or otherwise in connection with such ballots It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed nor to offer evidence to substantiate the allegations of their petition

(b) Every petition for the opening of a ballot box under the provisions of this section shall be filed in the office of the prothonotary of the proper county accompanie by a deposit of cash in the amount of fifty ($50.00) dollars or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court in the amount of one hundred ($100.00) dollars conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty ($50.00) dollars in the event that upon the opening of the ballot box it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein or fraud in the marking of the ballots contained therein or otherwise in connection with such ballots

(c) Before any ballot box is opened under the provisions of this section the court shall direct that notice of

time and place of proposed recount be given either personally or by registered mail to each candidate for the office or offices which are to be recounted by the order of the court and each such candidate may be present at such recount either in person or by his attorney or by his duly authorized representative under such regulations as the court may prescribe

(d) If upon opening any such ballot box it shall appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein or fraud in the marking of the ballots contained therein or otherwise in connection with such ballots it shall be the duty of the court to certify such fact to the prothonotary and thereupon the prothonotary shall return to the petitioners the said sum of fifty ($50.00) dollars or if the petitioners shall have filed a bond in lieu of cash to mark said bond cancelled and notify the petitioners that he has done so

(e) If upon opening any ballot box under the provisions of this section it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein or fraud in the marking of the ballots contained therein or otherwise in connection with such ballots the persons upon whose petition such ballot box shall have been opened shall forfeit to the county the sum of fifty ($50.00) dollars If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition the prothonotary upon certification of the court that fraud or substantial error was not discovered shall pay said sum deposited with him to the county treasurer and if the petitioners shall have filed with their petition a bond in the sum of one hundred ($100.00) dollars it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond for sum of fifty ($50.00) dollars and costs of suit and for this purpose he is hereby authorized to institute any necessary legal proceedings When so collected the said sum of fifty ($50.00) dollars shall be paid over to the county treasurer

(f) Ballot boxes may be opened under the provisions of this section at any time within four months after the date of the general municipal special or primary election at which the ballots therein shall have been cast

Section 1702 Recanvassing Voting Machines Upon Petition of Electors Alleging Fraud or Error (a) The court of Common Pleas or a judge thereof of the county in which any election district is located shall make visible the registering counters of the voting machine or machines used in such election district at any primary or election and without unlocking the machine against voting shall recanvass the vote cast therein if three qualified electors of the election district shall file a petition duly verified by them alleging that upon information which they consider reliable they believe that fraud or error although not manifest on the general return of votes made therefrom was committed in the canvassing of the votes cast on such machine or machines It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error they believe to have been committed nor to offer evidence to substantiate the allegations of their petition

(b) Before the votes cast on any voting machine are recanvassed under the provisions of this section the court shall direct that notice of the time and place of the proposed recanvass be given either personally or by registered mail to each candidate whose name appears on the ballot labels and each such candidate may be present as such recanvass either in person or by his attorney or by his duly authorized representative under such regulations as the court may prescribe

(c) Voting machines may be recanvassed under the provisions of this section at any time within twenty days after the date of the primary or election at which they were used

Section 1703 Correction of Returns Decision Not to Be Final Evidence for Prosecution

(a) If any petition to open a ballot box or to recanvass the votes on a voting machine shall have been presented under the provisions of Sections 1701 and 1702 of this act before the certification of all the returns of the county and in no event later than five (5) days after the completion of the computation and canvassing of all the returns of the county by the county board and the court shall discover therein any fraud or error the court shall correct compute and certify to the county board the votes justly regardless of any fraudulent or erroneous entries made by the election officers thereof and the county board shall correct accordingly any entries previously made in the returns of the county being prepared by it or which have been prepared and not yet certified

(b) No order or decision of the court under the provisions of Section 1701 and 1702 of this act shall be deemed a final adjudication regarding the results of any primary or election so as to preclude any contest thereof under the provisions of this article and no such order or decision shall affect the official returns of any election district unless a petition to open the ballot boxes or to recanvass the votes on a voting machine shall have been presented before the certification of the returns of the county by the county board or unless a contest shall have been instituted in the manner provided by this article

(c) If upon the opening of any ballot box or recanvass of any voting machine under the provisions of this article it shall be found that fraud was committed in the computation of the votes cast on the ballots or voting machine or in the marking of the ballots contained therein or otherwise in connection with such ballots the county board shall take such steps as shall be appropriate to enable the ballot box and contents thereof or voting machine to be available as evidence in any prosecution which may be begun against any person or persons alleged to be guilty of such fraud

(b) Classes of Nomination and Election Contests

Section 1711 Classes of Nomination and Election Contests The several classes of nominations at primaries and elections of public officers which may be contested in this Commonwealth are hereby distinguished and designated as follows to wit

Class I Nominations and elections of the Governor and Lieutenant Governor of the Commonwealth

Class II Nominations and elections of electors of President and Vice-President of the United States and all officers of this Commonwealth including judges of the Supreme and Superior Courts (except Governor and Lieutenant-Governor) who now are or hereafter shall be required to be nominated or elected by the electors of the State at large and nominations of United States Senators

Class III Nominations and elections of judges of the several courts of records to be learned in the law other than judges of the Supreme and Superior Courts

Class IV Nominations and elections of Senators and Representatives in the General Assembly and nominations of Representatives in Congress

Class V All other officers whether nominated or elected by the qualified voters of counties cities boroughs townships wards school districts poor districts or any other division of the State

(c) Contested Nominations and Elections of the First Class

Section 1712 Committee of General Assembly to Try Contested nominations and elections of Governor and Lieutenant-Governor shall be tried and determined by a committee to be selected from both houses of the General Assembly and formed and regulated in the following manner

Section 1713 Contest Petitions When and to Whom Presented Upon the petition in writing of at least one hundred registered electors of the Commonwealth accompanied by the affidavit taken and subscribed by at least twenty of the petitioners before some person having authority to administer oaths that the facts set forth are true to the best of their knowledge and belief and a certificate from the registration commission of the county or counties where the petitioners reside setting forth that they are all registered electors being presented to the presiding officer of the Senate within ten days from the organization of the General Assembly next succeeding the election complained of he shall immediately give information thereof to both houses Such petition after being read in each house shall be laid on the table without any ques-

tion taken thereon until the two houses shall proceed thereon in the following manner

Section 1714 Personnel of Contest Committee Senate Members The Senate and House of Representatives shall on a day and hour to be agreed on between them which day shall be within five days of the reception of the petition as aforesaid convene in the hall of the House of Representatives where the petition shall be read by the Secretary of the Senate the names of the members of each house shall then be called over by the respective clerks and a quorum of each house being present a joint committee shall be formed as follows

(a) The names of all Senators present except the Presiden Pro Tempore shall be written on distinct pieces of paper as nearly alike as may be each of which shall be rolled up and put into a box by the Clerk of the House of Representatives and placed on the Speaker's table

(b) The Secretary of the Senate having shaken and intermixed the said papers shall draw them out one by one and put them alternately into three boxes also placed on the Speaker's table

(c) When the whole number shall be thus distributed the Clerk of the House of Representatives shall shake and intermix the papers in each box and shall draw alternately from each box the papers so rolled up until twelve papers have been so drawn and shall deliver them singly as drawn to the Speaker of the House of Representatives

(d) The Speaker of the House of Representatives shall open the said papers singly and read aloud the names on each and then deliver the papers singly to the President of the Senate who shall place them openly on the table

(e) A member of each house to be designated by the respective presiding officers shall take down in writing the names so called and shall each of them repeat aloud the name so written

Section 1715 Personnel of Contest Committee House Members The like proceedings shall then be had for drawing twenty-five members of the House of Representatives for the purpose Provided however That

(a) The duties in the preceding section enjoined upon the Clerk of the House of Representatives shall be performed by the Secretary of the Senate

(b) The duties therein enjoined upon the Secretary of the Senate shall be performed by the Clerk of the House of Representatives

(c) The duties therein enjoined upon the Speaker of the House of Representatives shall be performed by the presiding officer of the Senate

(d) The duties therein enjoined upon the President of the Senate shall be performed by the Speaker of the House of Representatives whose name shall not be placed in the box

Section 1716 Challenges If any objection be made by either of the parties to any member so drawn by lot such member shall be discharged and another name be drawn to supply the place and so on until the whole number of twelve Senators and twenty-five members of the House of Representatives shall be completed and in all cases the members drawn in place of those objected to shall be in like manner liable to be set aside and others shall be drawn in their places but if so many be set aside by reason of objections as aforesaid that there shall not remain more than the number aforesaid then no further objection shall be admitted

Section 1717 Selection of Committee When the number aforesaid shall be completed the Clerk of the House of Representatives shall draw out one by one the names of the remaining members of the Senate and deliver them singly to the Speaker of the House of Representatives who shall unfold and read them aloud and the Secretary of the Senate shall in like manner draw out the names of the remaining members of the House of Representatives and deliver them singly to the presiding officer of the Senate who shall unfold them and read them aloud and if any unfairness or mistakes shall then be discovered therein the whole proceedings shall be set aside and the same shall be renewed in manner and form hereinbefore directed but after the committee is sworn no objection for such cause shall be received

Section 1718 Final Selection of Committee When the proceedings aforesaid shall be concluded a list of the twelve members of the Senate and a separate list of the twenty-five members of the House of Representatives so drawn shall be given to each of the parties who shall immediately withdraw to some adjoining room with a clerk or members appointed by the joint vote of members present where they shall proceed to strike off alternately the names upon such list until the number shall be reduced to four members of the Senate and nine of the House of Representatives which shall constitute a select committee

Section 1719 Members to Remain Until Final Selection On the parties withdrawing to form such select committee the members of both houses shall continue convened and the members whose names shall have been drawn out of the boxes shall not leave the conference room without permission until the time and place for the meeting of the select committee shall be fixed as hereinafter provided

Section 1720 Final Qualification of Committee Within one hour from the time of withdrawing as aforesaid the parties shall deliver to the presiding officer of the Senate the names of the said four members of the Senate and nine of the House of Representatives remaining on the list who shall then respectively take an oath or affirmation to be administered by the presiding officer of the Senate to try the matter of the petition and to give a true judgment thereon according to the evidence unless the committee shall be dissolved

Section 1721 Time and Place of Meeting The time and place for the meeting of the select committee so appointed shall then be directed by the joint vote of the members of both houses which time shall be within forty-eight hours of the appointment

Section 1722 Absence from Committee If any person appointed a member of such select committee shall at the time of such appointment swear or affirm that he cannot without great inconvenience serve on such committee he shall be excused and in such case another shall be substituted

Section 1723 Meetings of Committee Quorums Adjournment The select committee shall sit from day to day Sundays excepted at such hours as shall not interfere with their attendance in the Legislature but unless nine of their number be present the committee shall adjourn to the next day and if the number of the committee shall unavoidably be reduced to less than nine members and shall so continue for the space of three days Sundays excepted the committee shall be dissolved and there shall be another chosen in manner aforesaid When the two houses shall stand adjourned for more than three days the committee may adjourn to the same time

Section 1724 Presiding Officer of Committee Immediately after the appointment of the select committee aforesaid the President of the Senate shall notify the chief justice of the Supreme Court and he shall immediately attend the meetings of the committee as the presiding officer thereof The chief Justice of the Supreme Court shall decide questions regarding the admissibility of evidence and he shall upon request of the committee pronounce his opinion upon other questions of law involved in the contest but he shall not have a vote on the final determination of the case

Section 1725 Powers of Committee The select committee shall have power to subpoena persons and require the production of papers and records and to compel the attendance of and examine all witnesses who may come before them upon oath or affirmation which the Chief Justice of the Supreme Court or clerk of the committee may administer in their presence and to decide not only on the validity of such contested election but also which of the candidates had the greatest number of legal votes

Section 1726 Proceeding Before Committee Unqualified Voters Testimony Immunity When it is proven to the satisfaction of said committee that any person not a legally qualified voter voted at any such contested election it shall be lawful for said committee to compel said voter to disclose under oath for which of the respective candidates he voted but when the committee examines the witness on oath as to the person or persons for whom he voted and said witness on such examination discloses the names of the persons for whom he voted al

such election he shall not afterwards be prosecuted for having illegally voted at such election

Section 1727 Conduct of Committee The doors of the room in which the select committee shall meet shall remain open during the examination of witnesses but may be closed at any other time All determinations required to be made by such committee shall be by a majority of the whole number appointed As soon as the committee shall have agreed upon the same two reports thereof shall be made in writing one of which shall be delivered to the presiding officer of the Senate and the other to the Speaker of the House of Representatives which reports shall be entered on the Journals of the respective houses and shall be final and conclusive

Section 1728 Report of Committee to Be Final If the committee or a majority thereof as aforesaid shall report that either of the candidates had the greatest number of legal votes and ought to receive the nomination or to be admitted to the office as the case may be such candidate shall thereupon be entitled to such office or nomination

Section 1729 New Election If Invalid Notice If the committee or a majority thereof shall report that such election or return is invalid a new election shall take place on the day of the general election ensuing agreeably to the Constitution of which the presiding officer of each house shall immediately give notice by their joint writ directed to the Secretary of the Commonwealth and the county boards of the respective counties and the county boards of the respective counties shall give due notice thereof according to law If the committee or a majority thereof shall report that such nomination is invalid the vacancy in the party ticket shall be filled in the manner provided by section 979 of this act

Section 1730 Pay of Witnesses Every witness subpoenaed attending the trial of any contested election of the first class shall be allowed six cents for every mile of the distance necessarily traveled by him in coming to and returning from the place of trial and shall also be allowed the sum of two dollars and fifty cents for every day he may be detained at the place of such trial which mileage and expense as well as the expense of summoning such witnesses shall be taxed by the select committee and certified by their chairman to the Speaker of the House of Representatives or the presiding officer of the Senate or both as the case may require The amount thereof after having been first approved by the house or houses to which such certificate may be made shall be paid by the treasurer of the county or counties in which the facts complained of took place if such facts be substantiated or by the treasurer of the county or counties in which the petitioners shall reside if the statements in the petition shall not be substantiated on orders drawn by the Speaker of the House of Representatives or the presiding officer of the Senate or both as the case may require

(d) Contested Nominations and Elections of the Second Class

Section 1731 Court of Common Pleas of Dauphin County With Two Nearest President Judges to Have Jurisdiction Cases of the second class shall be tried and determined by the court of common pleas of Dauphin County upon petition of at least one hundred electors as hereinafter provided For the purpose of hearing and determining the complaint in the petition in such cases the Court of Common Pleas of Dauphin County shall notify to sit with it on the hearing of such complaint two president judges learned in the law residing nearest to the court house of the said judicial district and the judges so notified shall appear and sit as part of the said court on the hearing trial and determination of such petition

Section 1732 Entry and Effect of Decision After the hearing of the said case the said judges shall without unnecessary delay decide which of the candidates voted for received the greatest number of legal votes and is entitled to the nomination or office which decision shall be entered of record to the case in the said court and a certified copy thereof shall within five (5) days from the rendering thereof be delivered to the Secretary of the Commonwealth whereupon the person who by the decision of the court shall appear to have received the largest number of votes shall be entitled to the nomination or to the office and be commissioned accordingly

(e) Contested Nominations and Elections of the Third Class

Section 1736 Common Pleas Court of County of Residence of Candidate Returned as Elected to Have Jurisdiction Contested nominations and elections of judges of courts of record of any judicial district of this Commonwealth learned in the law shall be tried and determined before the Court of Common Pleas of the county where the person returned as nominated or elected shall reside in the following manner

Section 1737 Procedure to Contest Petition Personnel of Court Upon the petition in writing as hereinafter provided of at least fifty (50) registered electors of the district for which the person whose nomination or election is contested was returned as nominated or elected presented to the Governor of the Commonwealth complaining of an illegal primary or election or false return of any judge of a court of record of any judicial district of the Commonwealth learned in the law the Governor shall without delay direct the three president judges residing nearest to the court house of the county composing the district or if more than one county compose the judicial district then those nearest the court house of the most populous county of the district to convene without delay the Court of Common Pleas of such county and proceed to hear and determine the complaint of the said petition

Section 1738 Jurisdiction Where There Is More Than One Court of Common Pleas in the District In any contested election of judges of a court of record in any judicial district learned in the law where there is more than one Court of Common Pleas the court of the next higher number to the court for which the person whose election is contested is returned as elected if there be one higher and if not the one of the next lower number shall perform all the duties required of the three president judges as prescribed in this subdivision

Section 1739 Certification and Effect of Decision After such hearing the said judges shall without delay decide which of the candidates voted for received the greatest number of legal votes and is entitled to the nomination or office which decision shall be entered of record to the case in said court and a certified copy thereof shall within five (5) days from the rendering of such decision be transmitted to the Secretary of the Commonwealth whereupon the person who by the said decision shall appear to have received the largest number of votes shall be entitled to the nomination or to the office and commissioned accordingly

(f) Contested Nominations and Elections of the Fourth Class

Section 1741 Jurisdiction to Try Contested nominations and elections of Senators and Representatives in the General Assembly of this Commonwealth and contested nominations of Representatives in Congress shall be tried and determined by the Court of Common Pleas of the county where the person returned as such shall reside in the following manner

Section 1742 Method of Contest Petition Notice Upon petition in writing as hereinafter provided of at least twenty registered electors of the Senatorial district in case of a Senator and of the Legislative district in case of a Representative in the General Assembly complaining of an illegal primary or election or false return of any Senator or Representative or upon petition in writing as hereinafter provided of at least twenty registered electors of the Congressional district in case of a Representative in Congress complaining of an illegal primary or false return of any Representative in Congress the court if in session or the president judge thereof if in vacation shall immediately appoint a suitable time for the hearing in open court of such complaint and if the court is not in session the president judge to whom such complaint is made shall direct the court to convene for that purpose notice of which shall be given to the person returned at least ten days before such hearing

Section 1743 Complainants and Candidate Returned Shall

be Parties On the trial of contested nominations or elections of Senators and Representatives in the General Assembly and of contested nominations of Representatives in Congress the petitioners complaining of nominations or the election and the person returned as nominated or elected shall be the parties thereto

Section 1744 Powers and Duties of the Court The Court of Common Pleas to which a petition shall be presented as aforesaid contesting the right of a candidate for Senator or Representative in the General Assembly to the nomination or to the seat for which he may have been returned as elected or contesting the right of a candidate for Representative in Congress to the nomination shall have authority to subpoena and to compel the attendance of any officer of the primary or election complained of and of any person capable of testifying concerning the same and also to compel the production of all books papers tally lists ballots ballot boxes voting machines and all documents which may be required at such hearing in like manner and to the same extent as in other cases litigated before such court to take testimony and to proceed without delay postponing for the purpose if necessary all other business to the hearing and determination of such contest

Section 1745 Decision of Court After the hearing as aforesaid the court shall without delay decide which of the candidates voted for received the greatest number of legal votes and is entitled to the nomination or election

Section 1746 Return of Result to Proper House In the case of contested elections of Senator and Representative in the General Assembly the Secretary of the Commonwealth shall on the day of the meeting of the next General Assembly or if in session then immediately upon its reception deliver to the presiding officer of the proper house the certified copy of the decision of the court aforesaid

Section 1747 Appeal to Proper House Requirements Any claimant to a seat in either branch of the General Assembly who shall feel aggrieved by the decision of the court in his case may present his petition to the proper house within ten days after the meeting of the General Assembly or within ten days after the decision shall have been made in his case if the General Assembly shall then be in session setting forth his claim which petition shall have appended thereto the affidavit of the petitioner setting forth that he believes that he was duly elected to the seat and that the statements set forth in his petition are just and true to the best of his knowledge and belief

Section 1748 Action on Appeal Petition Such petition when presented shall be referred to a standing committee on election which committee shall proceed to hear the claims of the contestant and respondent and report the facts and a resolution expressing the decision of the committee for the consdieration of the house and the vote of the proper house on the claims of the contestant and respondent shall be final

Section 1749 Vote on Petition No resolution deciding such question shall be adopted unless it shall receive the votes of a majority of all the members elected to the house considering the same

(g) Contested Nominations and Elections of the Fifth Class

Section 1751 Jurisdiction Cases of the fifth class shall be tried and determined upon petition of twenty registered electors as hereinafter provided by the Court of Common Pleas of the county in which such contested election was held

(h) General Provisions Relating to Contested Nominations and Elections

Section 1756 Petition Time of Filing Amendment The commencement of proceedings in the case of contests of the second third fourth and fifth classes shall be by petition which shall be made and filed as herein required within twenty days after the day of the primary or election as the case may be The petition shall concisely set forth the cause of complaint showing wherein it is claimed that the primary or election is illegal and after filing may be amended with leave of court so as to include additional specifications of complaint After any such amendment a reasonable time shall be given to the other party to answer

Section 1757 Petitioners and Affidavits Requirements In each of the aforesaid second third fourth and fifth classes the petitioners shall be registered electors who voted at the primary or election so contested In cases of the third class each petition shall be verified by the affidavits of at least ten of the petitioners in the second fourth and fifth classes by the affidavit of at least five of the petitioners Such affidavits shall be taken and subscribed before some person authorized by law to administer oaths and shall set forth that they believe the facts stated therein are true that according to the best of their knowledge and belief the primary or election was illegal and the return thereof not correct and that the petition to contest the same is made in good faith

Section 1758 Presentation of Petition The petition shall be presented to the court or law judge having jurisdiction except where otherwise provided in this article and if it shall set out a prima facie case it shall be filed of record in the proper court and thereupon a time shall be fixed for hearing

Section 1759 Bond by Petitioners Whenever a petition to contest nomination or contest election of any class shall be present to the General Assembly or to the court it shall be the duty of said petitioners within five days thereafter to file a bond signed by at least five of the said petitioners in such sum as the presiding officer of the Senate or said court or any judge thereof during vacation shall designate with two or more individual sureties or a corporate surety to be approved by the said officer or court or judge conditioned for the payment of all costs which may accrue in said contested nomination or election proceeding in case the said petitioners by decree shall be adjudged liable to pay said costs and if the said bond shall not be filed as herein provided the said petition to contest the nomination or election shall be dismissed

Section 1760 Notice of Hearing Notice of the filing of the petition with a copy thereof shall be served upon the person whose nomination or right of office shall be contested together with a rule to answer at the time fixed for hearing which notice copy and rule shall be served such length of time before the day fixed for hearing as the said court or judge shall require not exceeding seven days in cases of contested nominations at primaries preceding municipal elections and not exceeding thirty days in all other cases

Section 1761 Disqualification of Judge No judge shall sit on the trial of a case in which he shall be a party

Section 1762 Substitute Judges In any case where by reason of incompetency or any disability to act there shall be no law judge of the judicial district in which any contest shall arise present and able as well as qualified to act the judge learned in the law residing nearest the court house of the county in which by the provisions of this article the trial in any such case is required to be had except in cases otherwise provided in this article shall preside on the contest and shall have and exercise all the powers and authority and discharge all the duties granted to or imposed upon the regular judges of the said courts in cases wherein they are qualified and required to act by the provisions of this article

Section 1763 Certain Associate Judges Not Essential Any law judge who is hereby authorized to preside in any such case and any president or other judge learned in the law of the proper court shall have full power to hold any of the said courts by this article required to try any contested election case without the assistance of the associate judges not learned in the law or either of them of such courts

Section 1764 Powers of Court All of the said courts and judges hereby required to try any contested election case shall have plenary power to make issue and enforce all necessary orders rules process and decrees for a full and proper understanding and final determination and enforcement of the decision of every such case according to the course of practice in similar cases under the laws of this Commonwealth or which may be necessary and proper to carry out the provisions of this article

Section 1765 Power of Court Witnesses Records The

proper court or judge shall have power to compel the attendance of any election officer or other person as a witness and may also compel the production of all ballots boxes voting machines books papers tally-lists returns of election other documentary or record evidence at discretion for use at the trial and may issue subpoenas and attachments for these purposes as in other proceedings in the courts of this Commonwealth and all such books papers documents ballots boxes voting machines and records shall be returned to the proper custody

Section 1766 Conduct of Hearings Certified Records Examiners Certified copies of all election papers registers of voters and records duly authenticated by the person having custody thereof shall be competent evidence and prima facie proof of their contents but the party against whom the same shall be produced shall have the right to compel the attendance of the person who certified them for cross-examination Examiners to take and report evidence may be appointed and reasonable notice of the time and place of taking the same shall be prescribed by the court or judge and served upon the opposite party

Section 1767 Witnesses Duty to Testify In trials of contested nominations and elections and in all proceedings for the investigation of primaries and elections no person shall be permitted to withhold his testimony upon the ground that he may incriminate himself or subject himself to public infamy but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony

Section 1768 Witnesses and Officers Fees Witnesses and officers shall be paid the same fees as are now or hereafter shall be fixed by law for similar services in the county in which the trial shall be held

Section 1769 Costs of Contest if Without Probable Cause (a) In contested nominations or elections of all classes if the committee or court or judge shall decide that the complaint is without probable cause the petitioners and every one of them shall be jointly and severally liable for all the costs and the same may be collected as debts of like amount are by law collectible

Section 1770 Costs of Contest if For Probable Cause (a) In contested nominations or elections of electors of President and Vice-President and State officers whose jurisdiction extends over the State and Senators and Representatives of the United States and of this Commonwealth in which the committee or court or judge shall decide that the complaint is not without probable cause the Commonwealth shall be liable for all costs The said committee or court shall certify to the Auditor General a bill of such costs which shall be adjusted and settled in the usual manner and paid out of moneys appropriated for that purpose

(b) Whenever in contested nominations or elections of judges of courts of record and of county city borough township ward school district or poor district officers the contestant or contestants establish his or their right to the nomination or office or if they fail to establish their rights but the court or judge shall decide that the complaint was not without probable cause the court or judge shall aportion all the costs among the proper districts counties cities boroughs townships wards school districts or poor districts of the whole district in which contest is had in such way as said court or judge shall think just and shall compel by order the payment of such amounts so aportioned to each by the properly constituted authorities of each of the proper districts counties cities boroughs townships wards school districts or poor districts as the payment of debts by the same can now be enforced

Section 1771 Court or Committee May Limit Time for Taking Testimony In all contested nomination and election cases the committee or court may in its discretion limit the time to be consumed in taking testimony dividing said time equitably among all parties concerned with a view therein to the circumstances of the matter and the proximity of the next succeeding election

Section 1772 Nominations or Elections Declared Invalid Filling of Vacancies Whenever in any contested nomination or election the tribunal trying the case shall decide that the ballots or ballot labels used in one or more election districts by reason of the omission addition misplacing misspelling or mis-statement of one or more titles of office or names of candidates or parties or bodies represented by them were so defective as to the office in contest as to be calculated to mislead the voters in regard to any of the candidates nominated or seeking nomination for said office and that the defective condition of the said ballots or ballot-labels may have affected the result of the entire primary or election for said office the said tribunal shall declare the primary or election to be invalid as regards the said office and in the case of elections shall report their decision in cases where vacancies in such offices are filled by appointment to the proper officer or officers who are by law authorized to fill vacancies occurring in such office who up receipt of such notice shall without delay proceed to appoint a suitable person or persons to fill the vacancies thus created and the person or persons so appointed shall continue in office until the next election succeeding his appointment at which such office is by law required to be filled All other vacancies so created shall be filled in such manner as now or hereafter may be provided by law and all vacancies in nominations so created shall be filled in the manner provided by Section 979 of this act

Section 1773 Specific Findings by Trial Court It is hereby made the duty of the judges in the Court of Common Pleas trying an election contest to first find separately and explicitly the facts deemed by them material to the decision and also such other facts as any party to the contest may request them in writing to ascertain and second to answer such points of law as may be submitted to them

Section 1774 Certified Copy of Order of Court to Be Forwarded to Secretary of the Commonwealth and County Boards Immediately upon the entry of any order or decree of court deciding any contested nomination or election it shall be the duty of the prothonotary of said court to transmit immediately to the Secretary of the Commonwealth and to the proper county board a certified copy of said order or decree

Section 1775 Appeal in Judicial Contest. When Constitutional Questions Involved When the nomination or election of a judge of the Supreme or Superior Court or of a judge of any subordinate court of record required to be learned in the law shall be contested if the trial and determination of such contest shall involve the true construction of any provision of the Constitution or if the decision shall depend on any question arising upon the Constitution an appeal shall lie from the decision of the court or judges empowered to try such contested nomination or election to the Supreme Court

Section 1776 When and by Whom Appeal Taken Filing Time and Place of Hearing Such appeal may be taken by any person whose right to the nomination or office was tried and determined or by any person aggrieved by the decision within ten days after the decision of the judges shall have been entered of record to the case in the Court of Common Pleas The appeal shall be filed in the prothonotary's office of the proper district but may be heard by the said Supreme Court in any district and it shall be the duty of said court to hear and decide the same without delay

Section 1777 Decision of Supreme Court to be Certified to Secretary of the Commonwealth The said Supreme Court having decided the constitutional question involved in such nomination or election contest shall thereupon proceed to decide and declare which of the candidates voted for received the greatest number of legal votes and is entitled to the nomination or office and shall cause their decision to be certified to the Secretary of the Commonwealth whereupon the person who by the decision of the said Supreme Court shall appear to have received the largest number of legal votes shall be declared nominated or shall be declared entitled to the office and be commissioned accordingly

ARTICLE XVIII

Penalties

Section 1801 Disobeying Lawful Instructions Any person who wilfully disobeys any lawful instruction or order of any county board of elections or who refuses to obey

their subpoena duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment not exceeding one (1) year or both in the discretion of the court

Section 1802 Perjury Any wilful false statement made under oath or affirmation or in writing stating that it is so made although such oath or affirmation may not have actually been made by any person regarding any material matter or thing relating to any subject being investigated heard determined or acted upon by any county board of elections member thereof or by any court or judge thereof judge of election inspector of election or overseer in accordance with the terms of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years or both in the discretion of the court

Section 1803 Refusal to Permit Inspection of Papers Destruction or Removal Secretary of the Commonwealth Any Secretary of the Commonwealth deputy or employe of his office who shall refuse to permit the public inspection or copying as authorized except when in use in his office by this act of any return nomination petition certificate or paper other petition account contract report or any other document or record in his custody which under the provisions of this act is required to be open to public inspection or who shall destroy or alter or permit to be destroyed or altered any such document or record during the period for which the same is required to be kept in his office or who shall remove any such document or record from his office during said period or permit the same to be removed except pursuant to the direction of any competent court or any committee required to determine any contested primary or election shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one (1) month nor more than two (2) years or both in the discretion of the court

Section 1804 Refusal to Permit Inspection of Papers Destruction or Removal County Boards of Elections Any member chief clerk or other employe of any county board of elections who shall refuse to permit the public inspection or copying as authorized by this act of any general or duplicate return sheet tally paper affidavit nomination petition certificate or paper other petition witness list account contract report or any other document or record in the custody of such county board which under the provisions of this act is required to be open to public inspection or who shall destroy or alter or permit to be destroyed or altered any such document or record during the period for which the same is required to be kept in the office of such county board or who shall remove any such document or record from the office of such county board during said period or permit the same to be removed except pursuant to the direction of any competent court or any committee required to determine any contested primary or election shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one (1) month nor more than two (2) years or both in the discretion of the court

Section 1805 Insertion and Alteration of Entries in Documents Removal Refusal to Deliver Any member chief clerk or employe of any county board of elections or judge inspector or clerk of election machine inspector overseer or other person who knowingly inserts or knowingly permits to be inserted any fictitious name false figure or other fraudulent entry on or in any registration card district register voter's certificate list of voters affidavit tally paper general or duplicate return sheet statement certificate oath voucher account ballot or other record or document authorized or required to be made used signed returned or preserved for any public purpose in connection with any primary or election or who materially alters or intentionally destroys any entry which has been lawfully made therein except by order of the county board of elections or court of competent jurisdiction or who takes or removes any such book affidavit return account ballot or other document or record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as required or permitted by this act or who neglects or refuses within the time and in the manner required by this act to deliver the same into the custody of the officers who are required by this act to use or keep the same shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one (1) month or more than two (2) years or both in the discretion of the court

Section 1806 Refusal to Permit Overseers Watchers Attorneys or Candidates to Act Any member of a county board of elections judge of election or inspector of election who shall refuse to permit any overseer or watcher attorney or candidate to be present as authorized by this act at any session of a county board computation and canvassing of returns of any primary or election recount of ballots or recanvass of voting machines as authorized by this act or at any polling place during the time the polls are open at any primary or election and after the close of the polls during the time the ballots are counted or voting machine canvassed and until the returns of such primary or election have been made up and signed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment not exceeding one (1) year or both in the discretion of the court

Section 1807 Driving Away Watchers Attorneys Candidates or Overseers Any person who by violence or intimidation shall threaten or drive away any watcher attorney candidate or overseer or representative of the county board of elections or of the Secretary of the Commonwealth required or permitted to be present at any polling place or who shall in any manner prevent any overseer or representative of the county board of elections or of the Secretary of the Commonwealth from performing his duty under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one (1) month nor more than two (2) years or both in the discretion of the court

Section 1808 Refusal to Permit Election Officers Clerks and Machine Inspectors to Act Driving Away Said Persons Any person including any election officer who shall refuse to permit any election officer clerk or machine inspector duly elected or appointed and authorized to act to perform the duties imposed on him or to act as permitted by this act or who shall by violence or intimidation threaten or drive away any such election officer clerk or machine inspector or who shall in any manner prevent any such election officer clerk or machine inspector from performing his rights and duties under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one (1) month or more than two (2) years or both in the discretion of the court

Section 1809 Refusal to Administer Oath Acting Without Being Sworn If any judge of election or minority inspector of election refuses or fails to administer the oath to the officers of election in the manner required by this act or if any judge of election inspector of election clerk of election or machine inspector shall act without being first duly sworn or if any such person shall sign the written form of oath without being duly sworn or if any judge of election or minority inspector of election or any other person authorized to administer oaths shall certify that any such person was sworn when he was not he shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred ($100) dollars or to undergo an imprisonment not exceeding six (6) months or both in the discretion of the court

Section 1810 Violation of Oath of Office by Election Officers Any judge of election inspector of election clerk of election or machine inspector who shall wilfully violate any of the provisions of his oath of office shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment not exceeding one (1) year or both in the discretion of the court

Section 1811 Peace Officers Failure to Render Assistance Hindering or Delaying County Board Members and Others Any sheriff deputy sheriff constable deputy constable police or other peace officer who shall fail upon demand of any member of a county board of elections judge or inspector of election or overseer to render such aid and assistance to him as he shall request in the maintenance of peace and in the making of arrests as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any member of a county board judge or inspector of election or overseer in the performance of any duty under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years or both in the discretion of the court

Section 1812 Nomination Petitions and Papers Offenses by Signers If any person shall knowingly and wilfully sign any nomination petition or nomination paper without having the qualifications prescribed by this act or if any person shall set opposite a signature on a nomination petition or paper a date other than the actual date such signature was affixed thereto or if any person shall set opposite the signature on a nomination petition or nomination paper a false statement of the signer's place of residence or occupation or if any person shall sign more nomination petitions or nomination papers than permitted by the provisions of this act he shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred ($100) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years or both at the discretion of the court

Section 1813 False Signatures and Statements in Nomination Petitions and Papers If any person shall knowingly make a false statement in any affidavit required by the provisions of this act to be appended to or to accompany a nomination petition or a nomination paper or if any person shall fraudently sign any name not his own to any nomination petition or nomination paper or if any person shall fraudently alter any nomination petition or nomination paper without the consent of the signers he shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo imprisonment of not more than one (1) year or both in the discretion of the court

Section 1814 Nomination Petitions Certificates and Papers Destruction Fraudulent Filing Suppression Any person who shall falsely make any nomination certificate or who shall wilfully deface or destroy any nomination petition nomination certificate or nomination paper or any part thereof or any letter of withdrawal or who shall file any nomination petition nomination certificate or nomination paper or letter of withdrawal knowing the same or any part thereof to be falsely made or who shall suppress any nomination petition nomination certificate or nomination paper or any part thereof which has been duly filed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1815 Offenses by Printers of Ballots Any printer employed by any county board of elections to print any official ballots or any person engaged in printing the same who shall appropriate to himself or give or deliver or knowingly permit to be taken any of said ballots by any other person than such county board of election or their duly authorized agent or who shall wilfully print or cause to be printed any official ballot in any form other than that prescribed by such county board or with any other names or printing or with the names spelled otherwise than as directed by them or the names or printing thereon arranged in any other way than that authorized and directed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than six (6) months nor more than five (5) years or both in the discretion of the court

Section 1816 Unlawful Possession of Ballots Counterfeiting Ballots Any person other than an officer charged by law with the care of ballots or a person entrusted by any such officer with the care of the same for a purpose required by law who shall have in his possession outside the polling place any official ballot or any person who shall make or have in his possession any counterfeit of an official ballot shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than one (1) year or both in the discretion of the court

Section 1817 Forging and Destroying Ballots Any person who shall forge or falsely make the official endorsement on any ballot or wilfully destroy or deface any ballot or wilfully delay the delivery of any ballots shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years or both in the discretion of the court

Section 1818 Tampering with Voting Machines Any election officer or other person who shall unlawfully open or who shall tamper with or injure or attempt to injure any voting machine to be used or being used at any primary or election or who shall prevent or attempt to prevent the correct operation of such machine or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in any primary or election shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than six (6) months nor more than one year or both in the discretion of the court

Section 1819 Destroying Defacing or Removing Notices Et Cetera Any person who shall prior to any primary or election wilfully deface remove or destroy any notice or list of candidates posted in accordance with the provisions of this act or who during any primary or election shall wilfully deface tear down remove or destroy any card of instructions notice of penalties specimen ballot or diagram printed or posted for the instruction of electors or who shall during any primary or election wilfully remove or destroy any of the supplies or conveniences furnished by the county board of elections to any polling place in order to enable electors to vote or the election officers to perform their duties or who shall wilfully hinder the voting of others shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred ($100) dollars or to undergo an imprisonment of not more than three months or both in the discretion of the court

Section 1820 Police Officers at Polling Places Any police officer in commission whether in uniform or in citizen's clothes who shall be within one hundred (100) feet of a polling place during the conduct of any primary or election except in the exercise of his privilege of voting or for the purpose of serving warrants or unless called upon to preserve the peace as provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1821 Peace Officer Failure to Quell Disturbances at Polls Hindering or Delaying Election Officeds and Oth-

ers Any mayor chief burgess sheriff deputy sheriff constable deputy constable police officer or other peace officer who shall neglect or refuse to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching or who shall neglect or refuse to maintain order and quell any disturbance if such arises at any polling place upon the day of any primary or election when called upon so to do by any election officer or any three qualified electors of the election district or who shall wilfully hinder or delay or attempt to hinder or delay any judge inspector or clerk of election machine inspector or overseer in the performance of any duty under this act shall be guilty of a misdemeanor in office and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1000) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1822 Constables Failure to Perform Duties Any constable who shall neglect or refuse to perform the duties herein required of him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not less than one (1) month nor more than one (1) year or both in the discretion of the court

Section 1823 Election Officers Permitting Unregistered Electors to Vote Challenges Refusing to Permit Qualified Electors to Vote Any judge or inspector of election who permits any person to vote at any primary or election who is not registered in accordance with law except a person in actual military service or a person as to whom a court of competent jurisdiction has ordered that he shall be permitted to vote or who permits any registered elector to vote knowing that such registered elector is not qualified to vote whether or not such person has been challenged or who permits any person who has been lawfully challenged to vote at any primary or election without requiring the proof of the right of such person to vote which is required by law or who refuses to permit any duly registered and qualified elector to vote at any primary or election with the knowledge that such elector is entitled to vote shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars and to undergo an imprisonment of not less than three (3) months nor more than five (5) years or both

Section 1824 Election Officers Refusing to Permit Elector to Vote in Proper Party at Primaries Any judge inspector or clerk of election who refuses to permit an elector at any primary at which ballots are used to receive the ballot of the party with which he is enrolled or who gives to any such elector the ballot of any party in which he is not enrolled or any judge or inspector of election or machine inspector who at any primary at which voting machines are used adjusts any voting machine about to be used by an elector so as not to permit him to vote for the candidates of the party in which he is enrolled or so as to permit him to vote for the candidates of any party in which he is not enrolled shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one (1) month nor more than two (2) years or both in the discretion of the court

Section 1825 Frauds by Election Officers Any judge inspector or clerk of election or machine inspector who shall be guilty of any wilful fraud in the conduct of his duties at a primary or election and any person who shall make a false return of the votes cast at any primary or election or who shall deposit fraudulent ballots in the ballot box or certify as correct a return of ballots in the ballot box which he knows to be fraudulent or who shall register fraudulent votes upon any voting machine or certify as correct a return of votes cast upon any voting machine which he knows to be fraudulently registered thereon or who shall make any false entries in the district register or who shall fail to insert in the voting check list the voter's certificate of any elector actually voting at any primary or election or who shall fail to record voting information as required herein or who shall fail to insert in the numbered lists of voters the name of any person actually voting or who shall wilfully destroy or alter any ballot voter's certificate or registration card contained in any district register or who shall wilfully tamper with any voting machine or who shall prepare or insert in the voting check list any false voter's certificates not prepared by or for an elector actually voting at such primary or election for the purpose of concealing the destruction or removal of any voter's certificate or for the purpose of concealing the deposit of fraudulent ballots in the ballot box or the registering of fraudulent votes upon any voting machine or of aiding in the perpetration of any such fraud or who shall fail to return to the county board of election following any primary or election any keys of a voting machine ballot box general or duplicate return sheet tally paper oaths of election officers affidavits of electors and others record of assisted voters numbered list of voters district register voting check list unused spoiled and cancelled ballots ballots deposited written or affixed in or upon a voting machine or any certificate or any other paper or record required to be returned under the provisions of this act or who shall conspire with others to commit any of the offenses herein mentioned or in any manner to prevent a free and fair primary or election shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than six (6) months nor more than five (5) years or both in the discretion of the court

Section 1826 Prying Into Ballots Any judge inspector or clerk of election or other person who before any ballot is deposited in the ballot box as provided by this act shall unfold open or pry into any such ballot with the intent to discover the manner in which the same has been marked shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1827 Interference With Primaries and Elections Frauds Conspiracy If any person shall prevent or attempt to prevent any election officers from holding any primary or election under the provisions of this act or shall use or threaten any violence to any such officer or shall interrupt or improperly interfere with him in the execution of his duty or shall block up or attempt to block up the avenue to the door of any polling place or shall use or practice any intimidation threats force or violence with design to influence unduly or overawe any elector or to prevent him from voting or restrain his freedom of choice or shall prepare or present to any election officer a fraudulent voter's certificate not signed in the polling place by the elector whose certificate it purports to be or shall deposit fraudulent ballots in the ballot box or shall register fraudulent votes upon any voting machine or shall tamper with any district register voting check list numbered lists of voters ballot box or voting machine or shall conspire with others to commit any of the offenses herein mentioned or in any manner to prevent a free and fair primary or election he shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than six (6) months nor more than five (5) years or both in the discretion of the court

Section 1828 Persons Interfering in Other Districts Any person who shall on the day of any primary or election visit any polling place at which he is not entitled to vote and at which he is not entitled to be present under any provision of this act and shall use any intimidation or violence for the purpose of preventing any election officer from performing the duties required of him by this act or for the purpose of preventing any qualified elector from exercising his right to vote or from exercising his right to challenge any person offering to vote or for the purpose of influencing the vote of any elector he shall

be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than five (5) years or both in the discretion of the court

Section 1829 Assault and Battery at Polls Any person who shall unlawfully strike wound or commit an assault and battery upon the person of any elector in or near the polling place during the time of any primary or election shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than two (2) years or both in the discretion of the court

Section 1830 Unlawful Assistance in Voting Any elector at any primary or election who shall allow his ballot or the face of the voting machine voted by him to be seen by any person with the apparent intention of letting it be known how he is about to vote or in districts in which ballots are used shall cast or attempt to cast any other than the official ballot which has been given to him by the proper election officer or who without having made the declaration under oath or affirmation required by Section 1218 of this act or when the disability which he declared before any registration commission no longer exists shall permit another to accompany him into the voting compartment or voting machine booth or to mark his ballot or prepare the voting machine for voting by him or who shall mark his ballot or prepare the voting machine for voting while another is unlawfully present in the voting machine compartment or voting machine booth with him or who shall state falsely to any election officer that because of illiteracy he is unable to read the names on the ballot or ballot labels or that by reason of physical disability he cannot see or mark the ballot or enter the voting compartment without assistance or that he cannot see or operate the voting machine or enter the voting machine booth without assistance or who shall state as his reason for requiring assistance a disability from which he does not suffer or any person who shall go into the voting compartment or voting machine booth with another while voting or be present therein while another is voting or mark the ballot of another or prepare the voting machine for voting with another except in strict accordance with the provisions of this act or any person who shall interfere with any elector when inside the enclosed space or when marking his ballot or preparing the voting machine for voting or who shall endeavor to induce any elector before depositing his ballot to show how he marks or has marked his ballot or any person giving assistance who shall attempt to influence the vote of the elector whom he is assisting or who shall mark a ballot or prepare a voting machine for voting in any other way than that requested by the voter whom he is assisting or who shall disclose to anyone the contents of any ballot which has been marked or any voting machine which has been prepared for voting with his assistance except when required to do so in any legal proceeding shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1831 Election Officers Permitting Unlawful Assistance Any election officer who shall permit a voter to be accompanied by another into the voting compartment or voting machine booth when the registration card of such person contain no declaration that such person requires assistance or when such person has not made under oath or affirmation the statement required by Section 1218 of this act or when such election officer knows that the disability which the elector declared before any registration commission no longer exists or who shall permit any person to accompany an elector into the voting compartment or voting machine booth except as provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1832 Failure to Keep and Return Record of Assisted Voters Any judge of election who shall fail to record as required by Section 1218 (c) of this act the name of each elector who received assistance or who is accompanied by another into the voting compartment or voting machine booth or who shall insert in the record of assisted voters the name of any elector who does not receive assistance or is not accompanied by another into the voting compartment or voting machine booth or who shall fail to record the exact disability of any assisted elector which makes the assistance necessary or shall record in respect of any assisted elector a disability other than that stated by the elector or who shall fail to record the name of each person rendering assistance to an elector as prescribed by this act or who shall knowingly record as the name of such person giving assistance a name which is not the name of such person or who shall fail or neglect to return the record of assisted voters to the county board of elections as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than two (2) months nor more than two (2) years or both in the discretion of the court

Section 1833 Unlawful Voting Any person who votes or attempts to vote at any primary or election knowing that he does not possess all the qualifications of an elector at such primary or election as set forth in this act shall be guilty of a misdeamnor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1834 Elector Voting Ballot of Wrong Party at Primary Any elector who shall wilfully vote at any primary the ballot of a party in which he is not enrolled in violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1835 Repeat Voting at Election If any person shall vote in more than one election district or otherwise fraudulently vote more than once at the same primary or election or shall vote a ballot other than the ballot issued to him by the election officers or shall advise or procure another so to do he shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than three (3) months nor more than five (5) years or both in the discretion of the court

Section 1836 Removing Ballots Any persons removing any ballot from any book of official ballots except in the manner provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1837 Commissioners to Take Soldiers' Votes Any commissioner appointed by or under the provisions of Article XIII of this act who shall knowingly violate his duty or knowingly omit or fail to do his duty thereunder or violate any part of his oath shall be guilty of perjury and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than one (1) year or both in the discretion of the court

Section 1838 Fraudulent Voting by Soldiers Any person who shall vote or attempt to vote at any election by electors in military service under the provisions of Article XIII of this act not being qualified to vote at such election shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than one year or both in the discretion of the court

Section 1839 Bribery at Elections Any person who shall directly or indirectly give or promise or offer to give any gift or reward in money goods or other valuable thing to any person with intent to induce him to vote or refrain from voting for any particular candidate of candidates or for or against any constitutional amendment or other question at any primary or election or who shall directly or indirectly procure for or offer or promise to procure for such person any such gift or reward with the intent aforesaid or who with the intent to influence or intimidate such person to give his vote or to refrain from giving his vote for any particular candidate or candidates or for or against any constitutional amendment or other question at any primary or election shall give to or obtain for or assist in obtaining for or offer or promise to give to or obtain for or assist in obtaining for such person any office place appointment or employment public or private or threaten such person with dismissal or discharge from any office place appointment or employment public or private then held by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500.00) dollars or to undergo an imprisonment of not more than three years or both in the discretion of the court

Section 1840 Receipts and Disbursements of Primary and Election Expenses by Persons Other Than Candidates and Treasurers Any member of a political committee who shall receive or disburse any money or incur any liability for primary or election expenses except through the treasurer of such political committee and any person not a candidate or member of a political committee who shall receive or disburse any money or incur any liability for primary or election expenses shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one month nor more than two years or both in the discretion of the court

Section 1841 Receipts and Disbursements of Primary and Election Expenses by Unauthorized Persons Any treasurer or other member of any political committee who receives or disburses money or incurs any liability for the primary or election expenses of any candidate without being authorized to do so under the provisions of Section 1603 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1000) dollars or to undergo an imprisonment of not less than one month nor more than two years or both in the discretion of the court

Section 1842 Contributions and Disbursements Made in Unauthorized Manner Any person who shall make any contribution for primary or election expenses in violation of the provisions of Sections 1604 and 1605 of this act or any candidate treasurer of a political committee or other person who shall pay any primary or election expenses in violation of the provisions of Sections 1604 and 1605 of this act or any candidate treasurer of a political committee or other person who shall pay any primary or election expenses in any manner not authorized by Section 1604 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one month nor more than two years or both in the discretion of the court

Section 1843 Contributions by Corporations Any corporation which shall pay give or lend or agree to pay give or lend any money belonging to such corporation or in its custody or control in violation of the provisions of Section 1605 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars nor more than five thousand ($5,000) dollars Any director officer agent or employe of any corporation who shall on behalf of such corporation pay give or lend or authorize to be paid given or lent any money belonging to such corporation or in its custody or control in violation of the provisions of Section 1605 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one month nor more than two years or both in the discretion of the court

Section 1844 Unlawful Primary and Election Expenses Any person who shall pay or incur any primary or election expenses not expressly authorized by the provisions of Article XVI of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one month nor more than two years or both in the discretion of the court

Section 1845 Failure to File Expense Account Any candidate or treasurer of a political committee or person acting as such treasurer who shall fail to file an account of primary or election expenses as required by Section 1607 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one month nor more than two years or both in the discretion of the court

Section 1846 Anonymous Publication Libel Any person who writes prints posts or distributes or causes to be written printed posted or distributed a circular or poster cartoon or other written or printed paper which is designed or tends to injure or defeat any candidate for nomination or election to public office by reflecting on his personal character or political actions unless the same shall be published in a newspaper avowedly responsible therefor or unless there appears on such circular poster cartoon or paper in a conspicuous place either the names of the chairman and secretary or at least the names of at least two officers of the political or other organization issuing the same or the name of some duly registered elector with description of his election district as responsible therefor shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not more than six months or both in the discretion of the court and if the statements are untrue the person so offending shall also be guilty of libel and subject to criminal prosecution and civil action therefor

Section 1847 Prohibiting Duress and Intimidation of Voters and Interference with the Free Exercise of the Elective Franchise Any person or corporation who directly or indirectly (a) uses or threaten to use any force violence or restraint or inflicts or threatens to inflict any injury damage harm or loss or in any other manner practices intimidation or coercion upon or against any person in order to induce or compel such person to vote or refrain from voting at any election or to vote or refrain from voting for or against any particular person or for or against any question submitted to voters at such election or to place or cause to be placed or refrain from placing or causing to be placed his name upon a register of voters or on account of such person having voted or refrained from voting at such election or having voted or refrained from voting for or against any particular person or persons or for or against any question submitted to voters at such election or having registered or refrained from registering as a voter or (b) by abduction duress or coercion or any forcible or fraudulent device or contrivance whatever impedes prevents or otherwise interferes with the free exercise of the elective franchise by any voter or compels induces or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election or (c) being an employer pays his employes the salary or wages due in "pay envelopes" upon which or in which there is written or printed any political motto device statement or argument containing threats express or implied intended or calculated to influence the political opinions or actions of such employes or within ninety days of any election or primary puts or otherwise exhibits in the establishment or place where his employes are engaged in labor any handbill or placard containing any threat notice or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease in whole or in part his establishment be closed up or the wages of his employes reduced or other threats express

or implied intended or calculated to influence the political opinions or actions of his employes is guilty of a misdemeanor Any person or corporation convicted of a violation of any of the provisions of this section shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or such person or the officers directors or agents of such corporation responsible for the violation of this section shall be sentenced to undergo an imprisonment of not more than one year or both in the discretion of the court

Section 1848 Failure to Perform Duty Any Secretary of the Commonwealth Member of a County Board of Elections Chief Clerk employe overseer judge of election inspector of election clerk of election machine inspector or custodian or deputy custodian of voting machines on whom a duty is laid by this act who shall wilfully neglect or refuse to perform his duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than two years or both in the discretion of the court

Section 1849 Hindering or Delaying Performance of Duty Any person who intentionally interferes with hinders or delays or attempts to interfere with hinder or delay any other person in the performance of any act or duty authorized or imposed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not more than one year or both in the discretion of the court

Section 1850 Violation of Any Provision of Act Any person who shall violate any of the provisions of this act for which a penalty is not herein specifically provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand (1,000) dollars or to undergo an imprisonment of not more than one year or both in the discretion of the court

Section 1851 Candidate Violating Act Disqualified from Holding Office Any person who shall while a candidate for office be guilty of bribery fraud or wilful violation of any provision of this act shall be forever disqualified from holding said office or any other office of trust or profit in this Commonwealth

Section 1852 Persons Convicted of Violating Act to Be Disfranchised for Four Years Any person convicted of the wilful violation of any provision of this act shall in addition to any of the penalties herein provided for be deprived of the right of suffrage absolutely for a term of four years from the date of his conviction and it shall be the duty of the proper registration commission to cause one of its members at the request of the trial judge to produce in court at the time of sentence the district register containing the registration card of such convicted person which registration card shall thereupon be forthwith cancelled in open court in the presence of the convicted person by a member of the registration commission who shall promptly also cancel the registration card of such convicted person in the general register

ARTICLE XIX

REPEALS

Section 1901 The following acts and parts of acts of assembly are hereby repealed as particularly set forth

The act approved the twenty-fourth day of August one thousand seven hundred and seventeen (Volume III Statutes at Large page 138) entitled "An act for the better regulating of elections of sheriffs coroners and assessors" absolutely

The act approved the eleventh day of March one thousand seven hundred and fifty-two (Volume V Statutes at Large page 159) entitled "An act for preventing bribery and corruption in the election of sheriffs and coronors within this province" absolutely

The act approved the fourth day of October one thousand seven hundred and eighty-eight (Volume XIII Statutes at Large page 140 entitled "An act directing the time places and manner of holding elections for representatives of this State in the Congress of the United States and for appointing electors on the part of this State for choosing a President and Vice-President of the United States" absolutely

The act approved the twenty-ninth day of September one thousand seven hundred and ninety-one (3 Smith's Laws 45) entitled "An act to regulate the trials of contested elections" absolutely

The act approved the sixth day of March one thousand seven hundred and ninety-three (3 Smith's Laws 91) entitled "A supplement to the act entitled 'An act to regulate the trials of contested elections'" absolutely

The act approved the second day of April one thousand eight hundred and two (Pamphlet Laws 145) entitled "An act to provide for the election of Representatives of the People of this State in the Congress of the United States" absolutely

The act approved the twenty-first day of March one thousand eight hundred and eight (Pamphlet Laws 86) entitled "An act to fix the number of senators from the state into districts and determine the portion to be allotted to each also to fix the number of Representatives for the city and the several counties of the Commonwealth in pursuance of the provisions of the constitution" absolutely

The act approved the twentieth day of March one thousand eight hundred and twelve (Pamphlet Laws 127) entitled "An act to provide for the election of representatives of the people of this state in the congress of the United States" absolutely

The act approved the eighth day of March one thousand eight hundred and fifteen (Pamphlet Laws 93) entitled "An act to fix the number of Senators and Representatives and form the state into districts in pursuance of the provisions of the constitution" absolutely

The act approved the twenty-fourth day of March one thousand eight hundred and seventeen (Pamphlet Laws 204) entitled "An act to prevent the practice of wagering or betting on elections" absolutely

The act approved the twenty-third day of March one thousand eight hundred and eighteen (Pamphlet Laws 258) entitled "A further supplement to an act entitled 'An act to regulate the trials of contested elections' passed the twenty-ninth day of September one thousand seven hundred and ninety-one" absolutely

The act approved the twenty-fifth day of March one thousand eight hundred and twenty-two (Pamphlet Laws 74) entitled "An act to fix the number of Senators and Representatives and form the state into districts in pursuance of the provisions of the constitution" absolutely

The act approved the twelfth day of January one thousand eight hundred and twenty-four (Pamphlet Laws 5) entitled " A supplement to the act entitled 'An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public moneys and for other purposes'" absolutely

The act approved the nineteenth day of March one thousand eight hundred and twenty-four (Pamphlet Laws 53) entitled " A supplement to the act entitled 'An act to regulate the trial of contested elections'" absolutely

The act approved the tenth day of April one thousand eight hundred and twenty-six (Pamphlet Laws 398) entitled "An act regulating election districts" absolutely

The act approved the twentieth day of April one thousand eight hundred and twenty-nine (Pamphlet Laws 212) entitled "An act to fix the number of Senators and Representatives and form the state into districts in pursuance of the provisions of the constitution" absolutely

The act approved the sixteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws 794) entitled "An act to fix the number of Senators and Representatives and form the state into districts in pursuance of the provisions of the constitution" absolutely

The act approved the thirteenth day of December one thousand eight hundred and thirty-six (Pamphlet Laws 1836-37) entitled "A supplement to an act entitled 'An act to prescribe the times places and manner of choosing Senators to represent this state in the Senate of the United States" absolutely

Section two of the act approved the twenty-first day of June one thousand eight hundred and thirty-nine (Pam-

phlet Laws 376) entitled "An act providing for the election of Aldermen and Justices of the Peace" absolutely

The act approved the second day of July one thousand eight hundred and thirty-nine (Pamphlet Laws 519) entitled "An act relating to the Elections of this Commonwealth" absolutely

Sections two three four five and seven of the act approved the second day of July one thousand eight hundred and thirty-nine (Pamphlet Laws 559) entitled "An act to provide for the election of Prothonotaries Clerks Recorders and Registers" absolutely

Sections one twenty-seven twenty-eight and twenty-nine of the act approved the seventh day of March one thousand eight hundred and forty (Pamphlet Laws 72) entitled "An act relative to the election of Borough and Township officers and for other purposes" absolutely

Section four of the act approved the sixteenth day of April one thousand eight hundred and forty (Pamphlet Laws 410) entitled "An act relating to Executions and for other purposes" absolutely

Sections one two three four five six seven eight nine ten eleven twelve fourteen and fifteen of the act approved the sixteenth day of April one thousand eight hundred and forty (Pamphlet Laws 683) entitled "A supplement to an act entitled 'An act relating to the elections of this Commonwealth' passed the second day of July Anno Domini one thousand eight hundred and thirty-nine and for other purposes" absolutely

Sections three and four of the act approved the thirteenth day of June one thousand eight hundred and forty (Pamphlet Laws 689) entitiled A further supplement to an act entitled 'An act providing for the election of Aldermen and Justices of the Peace' passed twenty-first day of June one thousand eight hundred and thirty-nine and for other purposes" absolutely

Section eighty-four of the act approved the fourth day of March one thousand eight hundred and forty-two (Pamphlet Laws 43) entitled "An act regulating Election Districts and for other purposes" absolutely

The act approved the twenty-fifth day of March one thousand eight hundred and forty-three (Pamphlet Laws 115) entitled "An act to divide the State into Congressional districts for the election of Representatives in the Congress of the United States" absolutely

The act approved the fourteenth day of April one thousand eight hundred and forty-three (Pamphlet Laws 247) entitled "An act to fix the number of Senators and Representatives and form the State into districts in pursuance of the provisions of the Constitution" absolutely

Sections two three and four of the act approved the eleventh day of April one thousand eight hundred and forty-eight (Pamphlet Laws 512) entitled "A further supplement to an act entitled 'An act relating to the elections in this Commonwealth'" absolutely

The act approved the fifteenth day of May one thousand eight hundred and fifty (Pamphlet Laws 777) entitled "An act to fix the number of senators and representatives and form the state into districts in pursuance of the provisions of the constitution" absolutely

Section nine of the act approved the fifteenth day of April one thousand eight hundred and fifty-one (Pamphlet Laws 648) entitled "An act to provide for the election of judges of the several courts of this Commonwealth and to regulate certain judicial districts" absolutely

Sections 3 30 31 32 34 35 and 36 of the act approved the second day of February one thousand eight hundred and fifty-four (Pamphlet Laws 21) entitled "A further supplement to an act entitled 'An act to incorporate the City of Philadelphia'" absolutely

The act approved the first day of May one thousand eight hundred and fifty-two (Pamphlet Laws 492) entitled "An act to divide the State into Congressional districts for the election of Representatives in the Congress of the United States" absolutely

The act approved the thirty-first day of March one thousand eight hundred and fifty-four (Pamphlet Laws 250) entitled "An act relative to the payment of Constables for attending the General and Township Elections" absolutely

The act approved the twentieth day of April one thousand eight hundred and fifty-four (Pamphlet Laws 419) entitled "An act in relation to establishing and changing the places for holding general elections throughout the Commonwealth" absolutely

The act approved the sixteenth day of January one thousand eight hundred and fifty-five (Pamphlet Laws 1) entitled "A supplement to an act entitled "An act relating to the Elections of this Commonwealth passed the second day of July Anno Domini one thousand eight hundred and thirty-nine" absolutely

The act approved the thirty-first day of January one thousand eight hundred and fifty-five (Pamphlet Laws 5) entitled "A supplement to an act in relation to establishing and changing the places for holding General Elections throughout the Commonwealth passed April twentieth one thousand eight hundred and fifty-four" absolutely

The act approved the twentieth day of May one thousand eight hundred and fifty seven (Pamphlet Laws 619) entitled "An act to fix the number of Senators and Representatives and to form the State into districts in pursuance of the provisions of the Constitution" absolutely

The act approved the eleventh day of April one thousand eight hundred and fifty-nine (Pamphlet Laws 495) entitled "An act to provide for taking Testimony in cases of Contested Elections of Members of the General Assembly" absolutely

Sections fifty and fifty-one of the act approved the thirty-first day of March one thousand eight hundred sixty (Pamphlet Laws 382) entitled "An act to Consolidate Revise and Amend the Penal Laws of this Commonwealth" absolutely

The act approved the second day of April one thousand eight hundred and sixty (Pamphlet Laws 609) entitled "An act relating to Township Elections" absolutely

The act approved the first day of May one thousand eight hundred and sixty-one (Pamphlet Laws 471) entitled "An act to divide the state into Congressional Districts for the Election of Representatives in the Congress of the United States" absolutely

The act approved the tenth day of April one thousand eight hundred and sixty-two (Pamphlet Laws 405) entitled "An act to re-organize the Congressional Districts of Pennsylvania in accordance with the act of Congress approved March fourth one thousand eight hundred and sixty-two" absolutely

The act approved the sixteenth day of March one thousand eight hundred and sixty-four (Pamphlet Laws 10) entitled "An act providing for the election of a State Treasurer" absolutely

The act approved the fifth day of May one thousand eight hundred and sixty-four (Pamphlet Laws 258) entitled "An act to fix the number of Senators and Representatives and to form the State into districts in pursuance of the provisions of the Constitution" absolutely

The act approved the twenty-fifth day of August one thousand eight hundred and sixty-four (Pamphlet Laws 990) entitled "An act to regulate elections by soldiers in actual military service" absolutely

The act approved the twenty-fourth day August one thousand eight hundred and sixty-four (Pamphlet Laws 1014) entitled "A supplement to an act to fix the number of Senators and Representatives and to form the State into districts in pursuance of the provisions of the constitution approved May fifth one thousand eight hundred and sixty-four" absolutely

The act approved the thirtieth day of March one thousand eight hundred and sixty-six (Pamphlet Laws 92) entitled "An act regulating the mode of voting at all elections in the several counties of this Commonwealth" absolutely

The act approved the seventeenth day of April one thousand eight hundred and sixty-six (Pamphlet Laws 107) entitled "A supplement to an act entitled 'An act regulating boroughs' approved the third day of April Anno Domini one thousand eight hundred and fifty-one to authorize courts to fix and change the places for holding general elections" absolutely

The act approved the fourth day of June one thousand eight hundred and sixty-six (Pamphlet Laws 1107), en-

titled "A further supplement to the election laws of this Commonwealth" absolutely

The act approved the eleventh day of January one thousand eight hundred and sixty-seven (Pamphlet Laws 18) entitled "An act to define the time and regulate the manner of electing Senators to represent this state in the Senate of the United States" absolutely

The act approved the fifteenth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws 86) entitled "A supplement to an act approved the seventeenth day of April one thousand eight hundred and sixty-five authorizing the courts to fix and change the places for holding general elections in certain cases" absolutely

Sections one two three four five six seven eight nine ten eleven twelve thirteen fourteen fifteen sixteen seventeen eighteen nineteen and thirty-eight of the act approved the seventeenth day of April one thousand eight hundred and sixty-nine (Pamphlet Laws 49) entitled "An act further supplemental to the act relative to the election of this Commonwealth' absolutely

Sections 1 2 3 5 6 7 8 9 10 of the act approved the sixth day of April one thousand eight hundred and seventy (Pamphlet Laws 53) entitled "A further supplement to the act relating to elections in this Commonwealth" absolutely

The act approved the sixth day of May one thousand eight hundred and seventy-one (Pamphlet Laws 252) entitled "An act to fix the number of senators and representatives and to form the state into districts in pursuance of the provisions of the constitution" absolutely

The act approved the eleventh day of May one thousand eight hundred and seventy-one (Pamphlet Laws 259) entitled "A supplement to an act entitled 'An act to fix the number of senators and representatives and to form the state into districts in pursuance of the Constitution" which became a law on the sixth day of May Anno Domini one thousand eight hundred and seventy-one" absolutely

The act approved the twenty-first day of February one thousand eight hundred and seventy two (Pamphlet Laws 17) entitled "An act entitled 'A further supplement to an act relating to the elections of this Commonwealth' approved July second Anno Domini one thousand eight hundred and thirty-nine" absolutely

The act approved the thirteenth day of March one thousand eight hundred and seventy-two (Pamphlet Laws 24) entitled "An act to prevent the sale of intoxicating drinks on election day" absolutely

The act approved the ninteenth day of March one thousand eight hundred and seventy-two (Pamphlet Laws 32) entitled "An act supplementary to an act relative to the election of auditor general surveyor general and county surveyors by the people approved the ninth day of April Anno Domini one thousand eight hundred and fifty"absolutely

The act approved the twenty-eight day of April one thousand eight hundred and seventy-three (Pamphlet Laws 79) entitled "An act to re-organize the Congressional districts of Pennsylvania" absolutely

The act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws 31) entitled "A further supplement to the act regulating elections in this Commonwealth" absolutely

The act approved the thirteenth day of February one thousand eight hundred and seventy-four (Pamphlet Laws 44) entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" absolutely

The act approved the ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 54) enentitled "An act designating the judicial districts of the Commonwealth and providing for the appointment and election of judges therein for issuing to additional judges learned in the law commissions as president judges and manner of fixing the terms of courts therein" absolutely

The act approved the eighteenth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 64) entitled "An act to define the necesary and proper expenses incident to the nomination and election of senators representatives state judicial municipal and county officers and to authorize the payment thereof" absolutely

The act approved the nineteenth day of May one thousand eight hundred and seventy-four (Pamphlet Laws 208) entitled "An act designating the several classes of contested elections in this Commonwealth and providing for the trial thereof" absolutely

The act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws 29) entitled "An act in relation to the payment of the costs and expenses of the division of election districts" absolutely

The act approved the eighth day of May one thousand eight hundred and seventy-six (Pamphlet Laws 136) entitled "An act authorizing the commissioners of the several counties of this Commonwealth to fix the compensation for light rent and fuel for election districts in their respective counties" absolutely

The act approved the eighth day of May one thousand eight hundred and seventy-six (Pamphlet Laws 148) entitled "A supplement to an act entitled 'An act designating the several classes of contested elections in this Commonwealth and providing for the trial thereof' approved the nineteenth day of May Anno Domini one thousand eight hundred and seventy-four providing for the payment of the costs in contested elections of president or additional law judges senators and members of the house of representatives and of county borough township or municipal officers when the court decides the complaint is not without probable cause" absolutely

The act approved the eighteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws 178) entitled "An act to prescribe the manner by which the Courts of Quarter Sessions may change the boundaries of election districts and townships" absolutely

Section three of the act approved the tenth day of May one thousand eight hundred and seventy-eight (Pamphlet Laws 51) entitled 'A supplement to an act entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards" approved the fourteenth day of May Anno Domini one thousand eight hundred and seventy-four" absolutely

The act approved the twelfth day of June one thouaand eight hundred and seventy-eight (Pamphlet Laws 204) entitled "An act to provide for an appeal to the Supreme Court in contested elections of judges of courts of records wherein constitutional questions are involved" absolutely

The act approved the ninth day of May one thousand eight hundred and seventy-nine (Pamphlet Laws 51) entitled "An act to provide for the receiving opening and publishing of the returns of the election for state treasurer and of auditor general when elected at the same election" absolutely

The act approved the eighth day of June one thousand eight hundred and eighty-one (Pamphlet Laws 70) entitled 'An act to prevent bribery and fraud at nominating elections nominating conventions returning boards county or executive committees and at election of delegates to nominating conventions in the several counties in this Commonwealth absolutely

The act approved the twenty-ninth day of June one thousand eight hundred and eighty-one (Pamphlet Laws 128) entitled "An act to regulate the holding of and to prevent frauds in the primary elections of the several political parties in the Commonwealth of Pennsylvania" absolutely

The act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 92) entitled "An act for the better protection of the electors of this Commonwealth" absolutely

The act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 96) entitled "An act to prohibit political parties committees or members thereof from assessing upon or demanding from public officials contributions for political purposes in the several counties of this Commonwealth" absolutely

The act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 124) entitled "An act to empower any judge of any

court of common pleas of any county in this Commonwealth to fix the place of election in certain cases" absolutely

The act approved the twenty-third day of June one thousand eight hundred and eighty-five (Pamphlet Laws 144) entitled "An act for the regulation of advertising of general elections" absolutely

The act approved the twenty-fourth day of June one thousand eight hundred and eighty-five (Pamphlet Laws 149) entitled "An act amendatory of an act entitled 'An act to prescribe the manner by which the Courts of Quarter Sessions may change the boundaries of election districts and townships'" absolutely

The act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws 126) entitled "An act to preserve the purity of elections by declaring drunkenness on the part of election officers and assessors of poll taxes to be a misdemeanor and by requiring elections to be held in rooms in which liquor is not sold so far as possible" absolutely

The act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws 136) entitled "An act to organize and define the congressional districts of Pennsylvania" absolutely

Section one of the act approved the twenty-sixth day of April one thousand eight hundred and eighty-nine (Pamphlet Laws 60) entitled "An act providing for the issuing of commissions in cases of contested election" absolutely

The act approved the ninth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws 162) entitled "An act to punish bribery at certain elections" absolutely

The act approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 134) entitled "An act to amend sections one two and three of an act entitled 'A further supplement of the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" absolutely

The act approved the eleventh day of June one thousand eight hundred and ninety-one (Pamphlet Laws 296) entitled "An act to enable any township within this Commonwealth which surrounds or immediately adjoins any borough or city within this Commonwealth to hold all elections authorized by law within the corporate limits of such borough or city" absolutely

The act approved the nineteenth day of June one thousand eight hundred and ninety-one (Pamphlet Laws 349) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and certain other expenses to be paid by the Commonwealth and punishing certain offenses in regard to such elections" absolutely

The act approved the tenth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 36) entitled "An act relating to the naturalization of aliens and prohibiting the payment of the expenses connected therewith by officers and members of political organizations and by candidates" absolutely

The act approved the eighteenth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 101) entitled "An act to amend section six of the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January one thousand eight hundred and seventy-four extending the power of the several courts of common pleas of the Commonwealth to appoint election officers in certain cases" absolutely

The act approved the eighteenth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 106) entitled "An act to empower the Court of Quarter Sessions of any county of this Commonwealth to fix the place of holding the general election" absolutely

The act approved the eighteenth day of April one thousand eight hundred and ninety-three (Pamphlet Laws 107) entitled "An act providing that voters in this Commonwealth shall cast their ballots at polling place inside the election district in which they are domiciled and making it the duty of the Courts of Quarter Sessions of the several counties to carry out the provisions of the same" absolutely

The act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 129) entitled "An act to amend the thirty-second section of an act entitled 'An act relating to elections in this Commonwealth' approved the second day of July Anno Domini one thousand eight hundred and thirty-nine providing for mileage for Presidential electors and increasing the contingent expenses of said electors" absolutely

The act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 324) entitled "An act amending the eighty-fourth section of an act entitled 'An act regulating election districts and for other purposes' approved the fourth day of March Anno Domini one thousand eight hundred and forty-two providing for the appointment of judges and inspectors of elections in case of tie votes in elections for said judges and inspectors" absolutely

The act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 419) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" absolutely

The act approved the twenty-fourth day of June one thousand eight hundred and ninety-five Pamphlet Laws 237) entitled "An act regulating the pay of election officers at all elections hereafter to be held within this Commonwealth" absolutely

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 290) entitled "An act to amend the tenth section of an act entitled 'A supplement to an act entitled "An act relating to the elections of this Commonwealth" passed the second day of July Anno Domini one thousand eight hundred and thirty-nine and for other purposes" approved the thirteenth day of June Anno Domini one thousand eight hundred and forty providing for daily pay of judges for making returns of township elections" absolutely

Section two and three of the act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 296) entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub and requiring a sheet setting forth name amount of tax paid and number of receipt to be sent twenty days before each election to the county commissioners for public inspection and to provide for punishment of tax collectors violatin the provisions of this act" absolutely

The act approved the twenty-sixth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 377) entitled "An act to authorize the Courts of Quarter Sessions to consolidate election districts in townships boroughs and cities and for the appointment of election officers and the fixing of the place of elections therein" absolutely

The act approved the twenty-sixth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 389) entitled "An act punishing the printing posting and distributing of any libelous circular or poster or other written or printed paper" absolutely

The act approved the twenty-sixth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 392) entitled "An act to amend the tenth section of an act entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections'" absolutely

The act approved the fourteenth day of April one thousand eight hundred and ninety-seven (Pamphlet Laws 23) entitled "An act to amend section twenty-nine of an act approved the tenth day of June one thousand eight hundred and ninety-three entitled 'An act to regulate the nomination and election of public officers requiring certain

expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' providing for the filling of vacancies in contested elections where the tribunal trying the case shall declare the election to be invalid" absolutely

The act approved the fifth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws 33) entitled "An act to amend section six of the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January one thousand eight hundred and seventy-four amended by the act entitled 'An act to amend section six of the act entitled "A further supplement to the act regulating elections in this Commonwealth" approved the thirtieth day of January one thousand eight hundred and seventy-four extending the power of the several Courts of Common Pleas of the Commonwealth to appoint election officers in certain cases' which amending act was approved the eighteenth day of May one thousand eight hundred and ninety-three providing for the filling of vacancies in the election boards heretofore or hereafter elected or appointed by the judges of the Courts of Common Pleas of the proper county" absolutely

The act approved the nineteenth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws 78) entitled "An act amending the eighty-fourth section of an act entitled 'An act regulating election districts and for other purposes' approved the fourth day of March Anno Domini one thousand eight hundred and forty-two as amended by an act approved the sixth day of June Anno Domini one thousand eight hundred and ninety-three entitled 'An act amending the eighty-fourth section of an act entitled "An act regulating election districts and for other purposes" approved the fourth day of March Anno Domini one thousand eight hundred and forty-two providing for the appointment of judges and inspectors of elections in case of tie votes in the election of said judges and inspectors' by providing for a tie vote for either of said officers" absolutely

The act approved the fifteenth day of June one thousand eight hundred and ninety-seven (Pamphlet Laws 165) entitled "An act authorizing empowering and directing the county commissioners of the several counties of this Commonwealth to pay to the constables of their respective counties for the services rendered by such constables in making returns to court of elections attending special borough township or ward elections and traveling expenses incidental thereto since the first day of January Anno Domini one thousand eight hundred and ninety-six in all cases where the same remain unpaid absolutely

The act approved the twenty-second day of June one thousand eight hundred and ninety-seven (Pamphlet Laws 179) entitled "An act to amend section two of an act entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' approved June ten one thousand eight hundred and ninety-three providing for certifying nominations in cases where there is no opposition to a candidate or candidates" absolutely

The act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 223) entitled "An act to amend sections three four five six nine and fourteen of an act entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' approved the tenth day of June Anno Domini one thousand eight hundred and ninety-three by specifying how the names adopted by political bodies may be protected fixing the time for filing certificates of nominations and nomination papers limiting the number of times that names of candidates shall appear on the official ballot and prescribing how the same shall be certified by the Secretary of the Commonwealth" absolutely

The act approved the twelfth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 257) entitled "An act to amend section one hundred and twenty of an act entitled 'An act relating to elections of this Commonwealth" approved the second day of July Anno Domini one thousand eight hundred and thirty-nine so as to increase the penalty for fraudulent and illegal voting and aiding and abetting the same" absolutely

The act approved the fourteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 261) entitled "An act to amend section one hundred and nineteen of an act entitled 'An act relating to the elections in this Commonwealth' approved the second day of July one thousand eight hundred and thirty-nine so as to increase the penalty for fraudulent and illegal voting and aiding and abetting the same" absolutely

The act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 275) entitled "An act to prohibit assessments of and demands for contributions from the officers and employes of this Commonwealth and of any county or city therein and providing penalties therefor" absolutely

The act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 276) entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties" absolutely

The act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws 103) entitled "A further supplement to an act designating the several classes of contested elections in this Commonwealth and providing for the trial thereof approved the nineteenth day of May Anno Domini one thousand eight hundred and seventy-four limiting the time within which testimony shall be taken in certain contested elections" absolutely

The act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws 118) entitled "An act to amend the ninth section of an act entitled 'An act designating the several classes of contested elections in this Commonwealth and providing for the trial thereof' approved the nineteenth day of May Anno Domini one thousand eight hundred and seventy-four providing that the costs in certain cases shall be placed on the petitioners' absolutely

The act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred twenty-seven) entitled "An act to amend section thirteen of an act entitled 'A further supplement to the act regulating elections in this Comomnwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four to provide for the computation of the returns of the election of any officer of a district composed of two or more counties or parts of two or more counties other than a Representative or Senator of the State Legislature or a Representative in Congress or a Judge of the Courts by return judges to be appointed by the courts of the counties comprising such district" absolutely

The act approved the sixth day of May one thousand eight hundred and ninety-nine (Pamphlet Laws two hundred fifty-four) entitled "An act to amend the tenth section of an act entitled "a further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" absolutely

The act approved the fourteenth day of April one thousand nine hundred and three (Pamphlet Laws one hundred eighty-seven) entitled "an act relating to change of polling places and authorizing the county commissioners to change the same" absolutely

The act approved the sixteenth day of April one thousand nine hundred and three (Pamphlet Laws two hundred thirteen) entitled "An act amending section twenty-three of the act of June tenth one thousand eight hundred and ninety-three (Pamphlet Laws four hundred thirty) relating to watchers at elections and providing that they must be residents of the district or division within which they act" absolutely

An act approved the sixteenth day of April one thousand nine hundred and three (Pamphlet Laws two hundred

seventeen) entitled "An act amending section seventy-four of an act 'Relating to the elections of this Commonwealth'" approved the second day of July Anno Domini one thousand eight hundred and thirty-nine absolutely

An act approved the sixteenth day of April one thousand nine hundred and three (Pamphlet Laws two hundred twenty) entitled "An act amending an act entitled 'An act regulating the pay of election officers at all elections hereafter held within this Commonwealth' approved the twenty-fourth day of June Anno Domini one thousand eight hundred and ninety-five and fixing the pay of election officers" absolutely

The act approved the twenty-first day of April one thousand nine hundred and three (Pamphlet Laws 224) entitled "An act to amend section six of the act of July the ninth one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred twenty-three) by providing that where objections to nomination certificate or paper are not sustained by any court the petitioner shall be compelled to pay the costs" absolutely

The act approved the twenty-ninth day of April one thousand nine hundred and three (Pamphlet Laws 338) entitled "An act to further amend the ninth and fourteenth sections of the act entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' approved the tenth day of June eighteen hundred and ninety-three as amended by an act approved the ninth day of July one thousand eight hundred and ninety-seven also to amend the twenty-second twenty-seventh twenty-eighth and thirtieth sections of said act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections approved the tenth day of June eighteen hundred and ninety-three by repealing the limit upon the number of times the names of candidates shall appear on the official ballot by specifying the form contents and manner of printing and counting of official ballots and of making return of all votes and of announcing the total vote by directing the manner in which voters may designate their choice of candidates and their votes upon constitutional amendments or other questions submitted for their votes by prescribing the duties of voters elections officers police officers constables deputy constables and helpers and prescribing forms of punishment for violations thereof" absolutely

The act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws 78) entitled "An act to regulate nominations and election expenses and to require accounts of nomination and election expenses to be filed and providing penalties for the violation of this act" absolutely

The act approved the sixth day of May one thousand nine hundred and nine (Pamphlet Laws 425) entitled "An act to amend section thirteen of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of April twenty-eight one thousand eight hundred and ninety-nine so as to reduce from three to two the minimum number of judges to be designated in the counties of Philadelphia and Allegheny to receive compute and certify the election returns required by said section to be presented by the prothonotary to the Courts of Common Pleas thus assimilating the practice of said counties to that in the other counties of the Commonwealth" absolutely

The act approved the twenty-first day of April one thousand nine hundred and eleven (Pamphlet Laws 80) entitled "An act to authorize any territory that may be annexed to a city under existing laws to be added to an adjacent ward or wards or created into a new ward and providing for the election of officers and places of holding elections in new wards thus created" absolutely

The act approved the twenty-seventh day of June one thousand nine hundred and thirteen (Pamphlet Laws 632) entitled "An act regulating pay of election officers and clerks at certain elections hereafter held within this Commonwealth" absolutely

The act approved the seventh day of July one thousand nine hundred and thirteen (Pamphlet Laws 693) entitled "An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon as provided by Article eighteen section one of the Constitution" absolutely

The act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment of the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" absolutely

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws 995) entitled "An act to provide for the nomination and election of candidates for the office of United States Senator and the filling of vacancies in said office" absolutely

The act approved the fourteenth day of April one thousand nine hundred and fifteen (Pamphlet Laws 122) entitled "An act requiring and regulating the declaring and posting of the vote at election districts at a primary election" absolutely

The act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws 633) entitled "An act providing for the payment by the several counties of the Commonwealth of the expenses of holding primary elections" absolutely

The act approved the eighteenth day of June one thousand nine hundred and fifteen (Pamphlet Laws 1025) entitled "An act to amend section five of an act entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' approved the twelfth day of July Anno Domini one thousand nine hundred and thirteen" absolutely

The act approved the eighteenth day of June one thousand nine hundred and fifteen (Pamphlet Laws 1044) entitled "An act amending section four of an act approved the twelfth day of July one thousand nine hundred and thirteen entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties providing for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including the State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and

for the punishment of certain offenses provided for herein and repealing inconsistent legislation'" absolutely

The act approved the eighteenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 244) entitled "An act to amend the first sixth and seventh sections of an act entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' approved the twelfth day of July Anno Domini one thousand nine hundred and thirteen so as to change the time for filing petitions of nomination and the time for the organization of the State committees" absolutely

The act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws 753) entitled "An act to amend section three of an act approved the twelfth day of July one thousand nine hundred thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates for such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation'" absolutely

The act approved the twentieth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1158) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" in so far as it relates to fees to be charges and received by constables for attending elections

The act approved the eighteenth day of April one thousand nine hundred and nineteen (Pamphlet Laws 68) entitled "An act amending section five of an act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws seventy-eight) entitled 'An act to regulate nomination and election expenses and to require accounts of nomination and election expenses to be filed and providing penalties for the violation of this act'" absolutely

An act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws 458) entitled "An act fixing the time of meeting of the return judges in the several congressional senatorial representative and judicial districts composed of two or more counties or parts of two or more counties prescribing the manner of making and certifying the consolidated returns imposing certain duties on prothonotaries and county commissioners and fixing the compensation of such return judges" absolutely

The act approved the twenty-third day of May one thousand nine hundred and nineteen (Pamphlet Laws 274) entitled "An act to amend part of section one of an act approved the twentieth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred fifty-eight) entitled 'An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth'" absolutely

The act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws 769) entitled "An act to amend section one of an act approved the fourteenth day of April one thousand nine hundred and three entitled 'An act relating to change of polling places and authorizing the commissioners to change the same'" absolutely

The act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws 805) entitled "An act to enable county commissioners to abolish election districts in which less than ten qualified electors reside" absolutely

The act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws 829) entitled "An act to further amend the twenty-second section of an act entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' approved the tenth day of June eighteen hundred and ninety-three as amended by an act approved the twenty-ninth day of April nineteen hundred and three by providing a manner in which voters may designate their choice of candidates and repealing acts or parts of an act inconsistent therewith'" absolutely

The act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws 832) entitled "An act amending sections five six and seven of an act approved the tenth day of June one thousand eight hundred ninety-three entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' as the same was amended by an act approved the ninth day of July one thousand eight hundred and ninety-seven and an act approved the twenty-first day of April one thousand nine hundred and three" absolutely

The act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws 836) entitled "An act to amend section three of an act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of president of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended" absolutely

The act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws 839) entitled "An act to amend sections seven ten thirteen fourteen and fifteen of an act entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment of the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' approved the twelfth day of July Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) as amended so as to provide fully how many official and specimen ballots shall be provided for each party at the primaries and to whom the same shall be delivered what other election materials shall be furnished and what printed instructions shall be given voters and election

officers how the official ballots shall be given to qualified electors how party membership shall be evidenced and how and when it may be challenged how the vote shall be counted recorded and returned by the election officers what shall be done with the ballots voted their stubs and the unused spoiled and void ballots tally papers oaths of election officers affidavits of voters et cetera lists of voters of each party triplicate and other return sheets and who shall have the custody of same to require the return and public inspection of all the spoiled and unused ballots from each election district before the computation of any returns therefrom to prescribe the method of computing and canvassing such returns publicly to provide who shall constitute the return board for any county wherein one or more of the commissioners are candidates at any primary to regulate the manner of correcting apparent errors in certain returns and the opening of ballot boxes and the recounting of votes when any county Commissioner prothonotary or judge of the Court of Common Pleas deems it necessary in order to obtain a correct count or upon the petition of three electors averring fraud or error to assure the right of any authorized representative of any party or candidate to hear record and check up the returns as read as well as to inspect the same and any other public document relating to any primary election to allow any person aggrieved by any decision of the county commissioners or prothonotary to appeal therefrom to the Court of Common Pleas of the proper county to make certain violations of said act as amended hereby misdemeanors and to provide penalties for the punishment of such offenses to provide that nomination petitions of candidates for any municipal office to be filled by a vote of the electors of a senatorial district shall be signed by at least two hundred qualified electors of such district and to repeal inconsistent legislation" absolutely

The act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws 855) entitled "An act to amend section three of an act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' absolutely

The act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws 966) entitled "An act providing for voting by soldiers sailors and marines in service or discharged therefrom returning to their homes who have been unable to qualify themselves as electors in accordance with existing law" absolutely

The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 423) entitled "An act providing for the nomination and election of judges of courts of record and repealing certain acts" absolutely

Section one of an act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 426) entitled "An act regulating nominations and elections for all elective offices of cities of the second class and repealing certain acts" absolutely

Sections 4 5 6 7 and 8 of an Act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 449) entitled "An act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators"

The act approved the sixteenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 618) entitled "An act to amend section six of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended authorizing the Court of Quarter Sessions to appoint election officers in cases of vacancy" absolutely

The act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 669) entitled "An act to further amend section fourteen of an act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' " as amended absolutely

The act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 680) entitled "An act to amend section five of an act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' " absolutely

The act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 958) entitled "An act to fix the time for filing nomination certificates and nomination papers to fill vacancies caused by the withdrawal of candidates" absolutely

The act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1079) entitled "An act to amend section sixteen of an act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' " absolutely

The act approved the twenty-fifth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1125) entitled "An act to further amend section fifteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen and a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' by empowering the Court of Common Pleas instead of the return board to open ballot boxes when fraud or error not manifest on the general return is alleged" absolutely

The act approved the third day of April one thousand nine hundred and twenty-three (Pamphlet Laws 55) entitled "An act to amend section one of the act approved the seventh day of July one thousand nine hundred and

thirteen (Pamphlet Laws six hundred ninety-three) entitled 'An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon as provided by article eighteen section one of the Constitution" absolutely

The act approved the eighteenth day of April one thousand nine hundred and twenty-three (Pamphlet Laws 67) entitled "An act to amend section seven of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled 'An act to regulate the nomination and election of Public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' as amended" absolutely

The act approved the seventh day of May one thousand nine hundred and twenty-three (Pamphlet Laws 147) entitled "An act to amend section seventy-four of an act approved the second day of July one thousand eight hundred thirty-nine (Pamphlet Laws five hundred and nineteen) entitled 'An act relating to the elections of this Commonwealth' as amended" absolutely

The act approved the eighteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 256) entitled "An act to amend section three of an act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended" absolutely

The act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 267) entitled "An act to amend section thirteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended by authorizing the members of the board for receiving computing and certifying election returns to act when a majority of the members thereof are not qualified" absolutely

The act approved the twenty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 293) entitled 'An act to amend the fourth paragraph of section fourteen of an act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke the rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended" absolutely

The act approved the twenty-second day of May one thousand nine hundred and twenty-three (Pamphlet Laws 309) entitled "An act providing a system whereby persons absent from their regular polling places may cast their votes imposing certain powers and duties upon the county commissioners prothonotaries return boards of the various counties and the board of registration commissioners in cities of the first and second class in relation thereto and providing penalties" absolutely

The act approved the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws 340) entitled "An act to amend section eleven of the act approved the thirteenth day of June one thousand eight hundred and forty (Pamphlet Laws six hundred and eighty-three) entitled 'A supplement to an act entitled "An act relating to the elections of this Commonwealth" passed the second day of July Anno Domini one thousand eight hundred and thirty-nine and for other purposes' allowing constables mileage for advertising elections and compensation for advertising elections where there is more than one polling place in a district said mileage and compensation to be paid by counties" absolutely

The act approved the twenty-fifth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 455) entitled "An act fixing the pay of election officers and clerks in cities of the first class" absolutely

The act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 920) entitled "An act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of cadidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended" absolutely

The act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws 1034) entitled "An act concerning the domicile of a married woman" absolutely

The act approved the first day of April one thousand nine hundred and twenty-five (Pamphlet Laws 103) entitled "An act to further amend section thirteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended empowering associate judges to act as return boards where the resident president judge is a candidate' " absolutely

The act approved the twenty-seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws 305) entitled "An act fixing the pay of election officers and clerks in counties of the second class" absolutely

The act approved the twenty-seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws 311) entitled "An act to amend section one of the act approved the seventh day of July one thousand nine hundred and thirteen (Pamphlet Laws six hundred and ninety-three) entitled 'An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon as provided by article eighteen section one of the Constitution' as amended" absolutely

The act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 361) entitled "An act to amend the first paragraph of the seventh section and the nineteenth section of an act entitled 'An act regulating certain political parties providing for the regulating and nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party

conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' approved the twelfth day of July Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) as amended so far as to change the time for filing petitions of nomination and for withdrawal of candidates" absolutely

The act approved the twenty-third day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 360) entitled "An act providing for the opening of ballot boxes after general municipal special or primary elections upon petition to the Court of Common Pleas or a judge thereof under certain circumstances and imposing certain duties in connection therewith upon the court the prothonotary and the county treasurer" absolutely

The act approved the twenty-third day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 363) entitled "An act to amend section twenty-six and section thirty as amended of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred and nineteen) entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' by specifying the circumstances and conditions under which voters may have assistance in marking their ballots at general municipal special and primary elections prescribing certain duties to be performed by the Secretary of the Commonwealth and election officers providing penalties and repealing inconsistent legislation" absolutely

The act approved the twenty-third day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 367) entitled "An act to amend section four of the act of the fifth day of March one thousand nine hundred and six (Pamphlet Laws seventy-eight) entitled 'An act to regulate nomination and election expenses and to require accounts of nomination and election expenses to be filed and providing penalties for the violation of this act" absolutely

The act approved the twenty-third day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 372) entitled "An act to fix the time for filing petitions for nomination with the county commissioners" absolutely

The act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 819) entitled "An act fixing the pay of election officers and clerks appointed by the inspectors except in cities of the first class and counties of the second class" absolutely

The act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 549) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" absolutely

The act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 836) entitled "An act providing for a separate ballot when constitutional amendments or other questions are submitted to the vote of the people" absolutely

The act approved the ninth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1691) entitled "An act relating to return boards computing general and municipal election returns" absolutely

The act approved the third day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 131) entitled "An act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred twenty-five (Pamphlet Laws three hundred five) entitled 'An act fixing the pay of election officers and clerks in counties of the second class'" absolutely

"Sections 3 4 5 6 7 and 8 of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 167) entitled 'An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts'"

The act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 238) entitled "An act to amend section thirteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth as amended by authorizing the members of the board for receiving computing and certifying election returns to provide for election returns in school districts which comprise the territory of or territory from two or more municipalities" absolutely

The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1185) entitled "An act to amend sections one three four five six seven nine ten eleven twelve thirteen fourteen fifteen sixteen seventeen nineteen twenty-one twenty-two twenty-three and twenty-seven of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act'" absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 626) entitled "An act to amend section fourteen of the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws seventy-eight) entitled 'An act to regulate nomination and election expenses and to require accounts of nomination and election expenses to be filed and providing penalties for the violation of this act'" absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 627) entitled "An act providing a method for preventing any elector from depositing in the ballot box at primary municipal general or other elections any ballot other than that received from the election officers and imposing penalties" absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 628) entitled "An act to further amend sections fourteen and twenty-two of an act approved the tenth day of June eighteen hundred ninety-three (Pamphlet Laws

four hundred nineteen) entitled 'An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections' so as to provide that the names of candidates for Presidential electors shall no longer be printed on the ballot" absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 634) entitled "An act supplementing the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National Party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation by providing a method for determining the period of time as provided therein" absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 635) entitled "An act to amend section thirteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomina ion of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing in onsistent legislation' as amended providing that electors in boroughs towns and townships may at primaries declare their party preference and vote on age" absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 685) entitled "An act to amend paragraph (d) of section seven of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended changing the number of signers required on the nomination petitions of candidates for the office of magistrate in cities of the first class" absolutely

The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 903) entitled "An act to amend sections one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled 'An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties' by providing certain exemptions" absolutely

"Sections 3 4 5 6 and 7 of the act approved the twenty-seventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1416) entitled 'An act to apportion the State into congressional districts'"

The act approved the twenty-seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws 93) entitled "An act to amend section five of the act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws seventy-eight) entitled 'An act to regulate nomination and election expenses and to require accounts of nomination and election expenses to be filed and providing penalties for the violation of this act' as amended by requiring the treasurers of political committees concerned in the nominations of candidates to file accounts of election expenses" absolutely

The act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 838) entitled "An act to amend section one of the act approved the twenty-sixth day of April one thousand nine hu dred and twenty-nine (Pamphlet Laws eight hundred thirty-six) entitled 'An act providing for a separate ballot when constitutional amendments or other questions are submitted to the vote of the people' by providing that such constitutional amendments or other questions may be printed upon a separate ballot" absolutely

The act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 846) entitled "An act to further amend clause (a) of section four of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act' as amended by providing that the Courts of Quarter Sessions may order that one additional voting machine be provided in certain election districts" absolutely

The act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1025) entitled "An act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred five) entitled 'An act fixing the pay of election officers and clerks in counties of the second class' as amended by fixing the compensation of judges of election for services mileage and expenses of delivering the primary and election returns and ballot boxes into proper custody providing compensation to minority inspectors in certain cases for services mileage and expenses of delivering the minority inspector's primary and election returns if any and the ballot boxes into proper custody and repealing inconsistent general local and special legislation" absolutely

The act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1106) entitled "An act to amend section seven of the act

approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party offices including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended by increasing the number of signers required for nomination petitions for magistrates in cities of the first class" absolutely

The act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 236 1933-34) entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" absolutely

The act approved the twenty-fifth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 74) entitled "An act to amend sections ten and fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expense of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for conduct of and returning canvassing and computing the vote cast at primary elections regulating the form of the numbered lists of voters regulating the duties of election officers in calling and tabulating the votes and regulating return board procedure" absolutely

The act approved the twenty-fifth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 83) entitled "An act to amend section six as amended section eight and section ten as amended of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions and limiting the number of specimen ballots to be given candidates at primaries" absolutely

The act approved the seventh day of May one thousand nine hundred and thirty-five (Pamphlet Laws 131) entitled "An act to amend sections one and seven as amended clauses (a) and (d) and clause (g) as amended of section fifteen and clauses (b) and (c) as amended of section twenty-three and sections twenty-four and twenty-six of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Comfonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act' by making provisions for voting machines designed to be made secure by the use of two or more seals changing the requirements as to the printing of return sheets and statements providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechansim for printing paper proof-sheets providing for the printing and distribution of said proof-sheets providing for their use in canvassing the vote making them part of the election returns defining their probative value and effect and enlarging the powers of return boards" absolutely

The act approved the twenty-ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 246) entitled "An act requiring return courts judges and boards sitting to record compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on Courts of Common Pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation" absolutely

The act approved the fifth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 277) entitled "An act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing in-

consistent legislation' as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the count and canvass of the vote and the sealing of the ballot box" absolutely

The act approved the fourteenth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 337) entitled "An act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates affidavits from candidates for additional offices" absolutely

All other Acts of Assembly and parts of acts general special and local in conflict or inconsistent with this act or any part hereof or hereby repealed insofar as they are in conflict or inconsistent herewith

The Secretary of the Commonwealth is authorized and empowered to prepare and print an index of this Act The index if prepared shall be attached to the advance sheets of the pamphlet laws and shall also be printed in the pamphlet laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1093, as follows:

An Act to amend clause XLIX of section one thousand two hundred of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to expend moneys for the purchase and planting of trees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause XLIX of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

XLIX Purchase and Planting of Trees Appropriations to Forest Protection Associations To purchase and plant shade trees along the highways and sidewalks of the borough at the expense of the borough and to appropriate moneys to any forest protection association cooperating in forest work with the State Department of [Forestry] Forests and Waters or to be expended in direct cooperation with said Department of [Forestry] Forests and Waters in forest work

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1323, entitled:

An Act to amend section one thousand and thirty-eight of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred and nineteen) entitled "An act concerning boroughs and revising amending and consolidating the laws relating to boroughs" as amended extending the time within which appeals from auditors' reports may be taken

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and thirty-eight of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred and nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which was amended by section nine of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred and eighty-six) is hereby further amended to read as follows

Section 1038 Appeals from Audit It shall be lawful for the borough or any taxpayer thereof on its behalf or any officer whose account is settled or audited to appeal from the settlement or audit to the Court of Common Pleas of the county but not later than [forty] sixty days from the completion of the audit as shown by the posted handbills or the statement filed with the clerk of the Court of Quarter Sessions

On the question,

Will the House agree to the section?

Mr. SHUGARTS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 1038), page 2, line 9, by striking out the word "sixty" and inserting in lieu thereof "forty-five"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its passage and approval by the Governor.

An Act to amend section one thousand and thirty-eight of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred and nineteen) entitled "An act concerning boroughs and revising amending and consolidating the laws relating to boroughs" as amended extending the time within which appeals from auditors' reports may be taken

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1751, as follows:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value providing a procedure by which the actual value of such property when purchased by or for the holder of the mortgage may be determined and credited on the mortgage debt and providing a limitation of time within which such procedure may be invoked

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any case where a mortgage or holder of a mortgage or the attorney of either has purchased the mortgaged premises at a sheriff sale heretofore or hereafter held and such mortgagee or mortgage holder takes title to the mortgaged premises so purchased either directly or indirectly the price bid and paid for the mortgaged property so purchased shall not in any proceeding to collect the balance of the mortgage debt brought against the mortgagor or any person secondarily liable on or for the obligation accompanying the mortgage be deemed conclusive evidence of the value of the mortgaged property but the same shall be prima facie evidenc only of such value

Section 2 In any action or proceeding on or under the obligation accompanying said mortgage to collect the balance of the mortgage debt against the mortgagor or anyone secondarily liable therefor said mortgagor or person secondarily liable shall have the right to allege and show as a matter of defense and set-off that the property purchased at the sheriff sale was fairly worth the amount of the debt secured by it at the time and place of the sale or that the amount bid and paid therefor was substantially less than its true value The burden of so proving shall be upon the mortgagor or party secondarily liable and upon such proof said mortgagor or person secondarily liable shall be entitled to have the judgment satisfied or credit entered thereon against the debt to the full value of the mortgaged property so established Provided That where judgment has been entered by confession on the bond or obligation accompanying said mortgage the defendant in said judgment shall have a right to petition the court in which the judgment is entered to open judgment and be allowed to establish the actual value of the property and to have credit for such value as aforesaid duly credited against the amount of the judgment

Section 3 Either the mortgagee mortgage holder mortgagor or any person secondarily liable on the obligation accompanying the mortgage may at any time within five years from the date of the sheriff sale make application to the court in which a judgment on the obligation accompanying the mortgage has been entered by confession or if not entered in any court having jurisdiction over the person of the mortgagee or mortgage holder and to have said court find and decree the value of the property purchased by said mortgagee or mortgage holder at the sheriff sale as of the time and place of said sale and to deduct said value from any judgment that may have been entered by confession or enter on the bond such values so established as a credit or payment on account thereof Provided however That the burden of proof of establishing said value shall be upon the mortgagor or the person secondarily liable And provided also That the issue of the value of the property sought to be established under this act shall be determined by a jury And provided further That in any case in which the right to apply for relief herein granted shall be sooner barred the application to the court may be made within two years from the effective date of this act

Section 4 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1105, as follows:

An Act to amend section one as amended and section two of the act approved the twenty-eighth day of June one thousand nine hundred and seventeen (Pamphlet Laws 645) entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name style or designation unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary requiring county commissioners at the expense of the county to provide books for the entry of such certificates fixing the fees of the Secretary of the Commonwealth and prothonotary and providing penalties" providing for the filing of certificates showing changes of address

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of June one thousand nine hundred and seventeen (Pamphlet Laws 645) entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name style or designation unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary requiring county commissioners at the expense of the county to provide books for the entry of such certificates fixing the fees of the Secretary of the Commonwealth and prothonotary and providing penalties" as last amended by the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 979) is hereby further amended to read as follows

Section 1 That no individual or individuals shall hereafter carry on or conduct any business in this Commonwealth under any assumed or fictitious name style or designation unless the person or persons conducting or carrying on the same shall have first filed in the office of the Secretary of the Commonwealth and in the office of the prothonotary to be entered in a book to be provided for that purpose a certificate under oath and signed by such person or persons setting forth the real name or names and addresses of all the persons owning or interested in said business and also the name style or designation under which and the address where said business is being or will be carried on or conducted Whenever any such individual shall change his address or whenever the address of any such business is so changed a certificate under oath showing the former and the new address shall be filed with the Secretary of the Commonwealth and with the prothonotary

Where any of the owners of said business live outside of the Commonwealth of Pennsylvania and carry on or conduct any such business through an agent such certificate shall also show the name and address of such agent Provided That the failure of any such person or persons to file the certificates aforesaid in the office of the Secretary of the Commonwealth or in the office of the prothonotary shall not impair or affect the validity of any contract with such person or persons and actions or preceedings at law or in equity may be instituted and maintained on any such contract but no such action shall be instituted or recovery had by any such person or persons on any such contract either expressed or implied in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof until such person or persons comply with the provisions of this act And provided further Before any such person or persons can institute any action in any of the courts of this Commonwealth or before any justice of the peace or magistrate

thereof on any cause of action arising prior to the filing of the certificate provided for in this section such person or persons shall pay to the Secretary of the Commonwealth for the use of the Commonwealth a license fee or fine of twenty-five ($25.00) dollars This act shall apply to all actions pending at the date of the passage of this act Provided That the plaintiff in any such suit shall pay all costs accrued prior to compliance with the provisions of this act Provided That this act shall not apply to any cases adjudicated at the date of the passage of this act

The certificate of the Secretary of the Commonwealth under the great seal of the Commonwealth showing the filing of the certificates and the payment of fees and fines or the failure to file such certificates or to pay the fees and fines as provided for and required by this act shall be competent and legal evidence and shall be admitted in evidence in any judicial proceeding in any court where the same may be material

Section 2 That section two of said act is hereby amended to read as follows

Section 2 The book hereinbefore required to be kept by the prothonotary shall be provided by the county commissioners at the expense of the respective counties The fees of the prothonotary and the Secretary of the Commonwealth for the entry of such certificate shall be the same as now provided by law for similar services except in the case of certificates showing a change of address where the fee shall be one dollar

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2029, as follows:

An Act to amend article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto after section four hundred and forty-nine a new section to read as follows

Section 450 Appropriations Counties for Radio Broadcasting Station The board of county commissioners of any county may appropriate annually a sum not in excess of five hundred dollars for the purpose of assisting any naval reserve unit or amateur radio league in maintaining equipping and operating a short wave radio broadcasting station which shall be available at all times for public use in the event of emergency or disaster

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1994, as follows:

An Act to amend clause (c) of section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under and prior acts of Assembly" making certain changes in the manner of serving writs of scire facias when personal service cannot be made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (c) of section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

(c) [In case any of those named in the writ or added thereto cannot be found by the sheriff or their residences within this Commonwealth are unknown to him or in case they reside without the Commonwealth the said writ may be served by advertising a copy thereof or a brief notice of the contents of the same once a week for three successive weeks in one newspaper of general circulation in the county and in the legal periodical if any designated by the court for that purpose Provided however That any defendant may accept service of said writ in person or by counsel with the same effect as if duly served therewith by the sheriff

Where the said writ or the brief notice of the contents thereof have been advertised as aforesaid the same shall have the same effect as if the writ had been personally served and all those named therein or added thereto as to whom publication has been made shall file their affidavit of defense as required by the said writ within fifteen days after the date of the last weekly advertisement of the said writ and all those named therein or added thereto who have been served as in case of a summons shall file their affidavit of defense as required by said writ within fifteen days after such service Service of any such writ may be made at any time within three months from the date on which it was issued but it shall be served and returned at the earliest date possible and the plaintiff may require its return at any time whether or not it be actually served] By mailing a true and attested copy of the writ in a registered letter to such of those named in the writ or added thereto as cannot be served within the Commonwealth

But if the plaintiff or some person in his behalf in an affidavit filed shall aver that he does not know and has not been able to ascertain the address of some of them then service upon the persons in possession of the property or posting in default thereof and service as above set forth upon those who can be served and a return of nihil habet as to the rest of those named in the writ or added thereto shall constitute a full service of such writ

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. DUBBS. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1173, entitled:

An Act to insure and protect fair trade practices in distribution defining such practices prohibiting the advertisement offer for sale or sale of merchandise at less than cost and fixing a penalty for such advertisement offer for sale or sale and investing the courts with jurisdiction to prevent and restrain violations of the act

The first section was read as follows:

Section 1 Definitions The words and phrases used herein shall unless the context otherwise indicates have the following meanings

(a) "Cost to the retailer" shall mean (1) total consideration paid by the retailer for the merchandise delivered at the retail outlet or (2) the replacement of the merchandise to total consideration necessary for the retailer at the retail outlet such consideration to be determined by applying to said merchandise the same cost per unit as the last quantity purchased by the retailer prior to the sale of said merchandise would have cost per unit if bought at the most favorable market price available to the retailer at any time within thirty (30) days prior to said sale whichever is lower less any customary trade discounts but exclusive of discounts for cash

(b) "Cost to the wholesaler" shall mean (1) the total consideration paid by the wholesaler for merchandise delivered at the wholesale outlet or (2) the total consideration necessary for the replacement of the merchandise to the wholesaler at the wholesale outlet such consideration to be determined by applying to said merchandise the same cost per unit as the last quantity purchased by the wholesaler prior to the sale of said merchandise would have cost per unit if bought at the most favorable market price available to the wholesaler at any time within sixty (60) days prior to said sale whichever is lower less any customary trade discounts for cash

(c) "Cost to the retailer" and "cost to the wholesaler" must be bona fide costs and sales to consumers retailers and wholesalers at prices which cannot be justified by existing market conditions within this State shall not be used as basis for computing costs with respect to sales by retailers and wholesalers

(d) "Sell at retail" and "sales at retail" shall mean any transfer of title to tangible personal property for a valuable consideration where such property is to be used by the purchaser for purposes other than re-sale manufacture or further processing The above terms shall also include any such transfer of property where title is retained by the seller as security for the payment of the purchase price

(e) "Sell at wholesale" and "sales at wholesale" shall mean any transfer of title to tangible personal property for a valuable consideration where such property is to be used by the purchaser for purposes of re-sale manufacture or further processing The above terms shall also include any such transfer of property where title is retained by the seller as security for the payment of the purchase price

(f) "Retailer" shall include every person firm corporation or association engaged in the business of making sales at retail within this State Provided That in the case of a person firm corporation or association engaged in the business of making both sales at retail and at wholesale such term shall be applied only to the retail portion of such business

(g) "Wholesaler" shall mean and include every person firm corporation or association engaged in the business of making sales at wholesale within this State Provided That in the case of a person firm corporation or association engaged in the business of making both sales at wholesale and at retail such term shall be applied only to the wholesale portion of such business

On the question,

Will the House agree to the section?

Mr. BLANK. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 3, by inserting after the word: "the" where it appears at the end of the line, the following: "total consideration necessary for the"

Amend sec. 1, page 2, lines 4 and 5, by striking out the following: "total consideration necessary for"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Sections 2 to 7 inclusive, the preamble and title were separately read and agreed to as follows:

Section 2 It is hereby declared that the advertisement offer for sale or sale of any merchandise at less than cost by retailer or wholesalers is prohibited

Section 3 Any retailer who shall advertise offer to sell or sell at retail any merchandise at less than cost to the retailer as defined in this act or any wholesaler who shall advertise offer to sell or sell at wholesale any merchandise at less than cost to the wholesaler as defined in this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500) Proof of any such advertisement offer to sell or sale by any retailer or wholesaler shall be prima facie evidence of a violation of this act

Section 4 In addition to the penalties provided in this act of the Courts of Common Pleas of this Commonwealth are hereby invested with jurisdiction to prevent and restrain violations of this act and it shall be the duty of the several District Attorneys in their respective districts to institute proceedings in equity to prevent and restrain violations Any person shall be entitled to sue for and have injunctive relief in any Court of Common Pleas of this Commonwealth against threatened loss or damage by reason of a violation of this act

Section 5 The provisions of this act shall not apply to sales at retail or sales at wholesale (a) where merchandise is sold in bona fide clearance sales and is advertised marked and sold as such (b) where perishable merchandise must be promptly sold in order to forestall loss (c) where merchandise is imperfect or damaged or is being discontinued and is advertised marked and sold as such (d) where merchandise is sold upon the final liquidation of any business (e) where merchandise is sold for charitable purposes (f) where the price of merchandise is made to meet the legal price of a competitor for merchandise of the same grade quality and quantity and (g) where merchandise is sold by any officer acting under the direction of any court

Section 6 This act may be known and cited as the "Fair Sales Act"

Section 7 If any section sentence or clause of this act shall for any reason be held invalid or unconstitutional such decision shall not affect the validity of the remaining parts hereof

An Act to insure and protect fair trade practices in distribution defining such practices prohibiting the advertisement offer for sale or sale of merchandise at less than cost and fixing a penalty for such advertisement offer for sale or sale and investing the courts with jurisdiction to prevent and restrain violations of the act

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2094, as follows:

An Act requiring all persons receiving garments for cleaning pressing or tailoring to issue receipts therefor specifying the extent of liability for the failure to return such garments and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be known and may be cited as the "Cleaners Liability Act"

Section 2 The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Cleaners" includes cleaners tailors or other persons receiving garments for cleaning pressing or tailoring

"Customer" is the person or agent from whom the cleaner receives the garments

"Garment" includes suits or dresses or parts thereof coats jackets and hats

"Person" includes individual copartnership association or corporation

The singular shall be construed to include the plural

Section 3 That all persons engaged in the business of cleaning pressing or tailoring shall upon receiving any garment for cleaning pressing or tailoring issue a receipt to such person from whom the garment is received a receipt on which is printed in nine point type the name and address of the cleaner and the following statement If the garment.....(insert name of garment in ink or indelible pencil) for which this receipt is issued shall not be returned to the customer within thirty days of the demand thereof the cleaner hereby agrees to pay to the customer the sum of .....(in which shall be entered in ink or indelible pencil the exact amount in dollars and cents) and all costs of legal proceedings

Section 4 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of fifty dollars ($50) for each such offense and in default of the payment thereof such individual or the partners of such copartnership or the members of such association or the officers or directors of such corporation responsible for the violation of this act so convicted may be sentenced to imprisonment for not more than sixty (60) days or both fine and imprisonment may be imposed

Section 5 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1470, as follows:

An Act regulating the time for appeals in cases where petitions have heretofore been or shall hereafter be presented for reconsideration of or re-argument on judgments and decrees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever a judgment or decree is or has been entered in a court of record from which an appeal lies and a party adversely affected by such judgment or decree presents or has presented a petition for the reconsideration thereof or for a re-argument thereon and the said petition is or has been taken under advisement by the said court or a rule to show cause is or has been allowed thereon the time during which such petition or rule has been pending and remained undisposed of shall be deducted from and shall not be considered as a part of the time allowed by law for the taking of an appeal from the said judgment or decree

Section 2 The provisions of this act shall apply to all judgments and decrees heretofore entered and appeals heretofore taken therefrom as well as to judgments and decrees which may be entered hereafter and the appeals which may hereafter be taken from such judgments and decrees

Section 3 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2026, entitled:

An Act to further amend the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing bee keeping horticulture and other allied occupations and providing penalties" by defining the jurisdiction of the Pennsylvania Milk Control Commission over such associations and regulating the sale and marketing of milk thereby

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the next to the last paragraph of section four of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing bee keeping horticulture and other allied occupations and providing penalties" is hereby amended to read as follows

Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given shall then be presented to the Governor of this Commonwealth who shall examine the same and [if he] shall refer it to the Pennsylvania Milk Control Commission If the Governor finds it in proper form and within the purpose mentioned in this act and if the Milk Control Commission shall find and so certify to the Governor that the application is a genuine one and not made for the purpose of avoiding full compliance with the

provisions of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven known as the "Milk Control Law" he shall indorse his approval thereon and direct letters patent to issue in form similar to those issued to business corporations [of the second class] in this Commonwealth which letters patent shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. JOHN A. SMITH. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1820, entitled:

An Act to amend section three of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" reducing the number of days during which exhibitions need be held

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" is hereby amended to read as follows

Section 3 No incorporated county agricultural association shall be entitled to the benefits of this act unless it shall hold an annual exhibition in the interest of stock-raising grain poultry handiwork dairy products and the like Such exhibitions shall continue at least three days Provided That the Auditor General shall have power to extend the benefits of this act to any incorporated county agricultural association whose exhibition continues less than three days in any county where no county agricultural association holds an exhibition for a three day period

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 2, by inserting after line 14, the following section: "Section 2. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section three of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain thereof" reducing the number of days during which exhibitions need be held

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1049, as follows:

An Act providing for the creation of a legal holiday on April 8 1938 to be known and observed as "Forefathers Day"

Whereas The General Assembly by the Act approved July 28 1936 Pamphlet Laws 79 authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction to act for and on behalf of the Commonwealth of Pennsylvania in arranging a suitable commemoration of the 300th Anniversary of the coming of the Swedish ships Kalmar Nyckel and Fogel Grip to the Delaware River in March 1638 and the establishment of the colony of New Sweden the forerunner of the Province of Pennsylvania and of the Commonwealth of Pennsylvania and

Whereas The first permanent civilized colonists landed from said two ships on March 29 1638 Old Style or April 8 1638 computed by the present or New Style calendar and on that date purchased the first land titles within this Commonwealth and shortly thereafter established homes and trading posts up and down the Delaware River and on the Schuylkill River and

Whereas The General Assembly desire to impress upon our citizens the significance of the deeds of our forefathers in founding three hundred years ago our present goodly heritage of character and achievement and in order that we may never forget our small but honorable beginnings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Friday April 8 1938 the 300th Anniversary of the date upon which the ships Kalmar Nyckel and Fogel Grip landed on the shores of the Delaware River and on which the colonists purchased lands within the present day Pennsylvania and began the work of settlement be and it is hereby created and declared to be a legal holiday throughout the Commonwealth of Pennsylvania to be known and observed as "Forefathers Day"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2115, as follows:

An Act relating to criminal prosecutions limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That hereafter in all criminal prosecutions the action of the defendant at the close of the Commonwealth's case in demurring to the evidence submitted by the Commonwealth shall not be deemed to be an admission of the facts which the evidence tends to prove or the inferences reasonably deductible therefrom except for the purpose of deciding upon such demurrer and if the court shall decide against the defendant on such demurrer such decision shall be deemed interlocutory only and the case shall proceed as if such demurrer had not been made

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1499, as follows:

An Act prohibiting certain persons from selling taking orders for delivering or being interested in the manufacture or sale of machinery equipment materials feed supplies or other things used by milk producers and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That after the thirtieth day after the effective date of this act no State municipal or other inspector of dairy farms shall sell take orders for the sale or deliver any machinery equipment materials feed supplies or any other thing used in or in connection with the production or handling of milk by producers nor shall any such person be financially interested in be employed by receive any compensation from or act as agent or solicitor or distribute literature or circulars for nor recommend the products of any person copartnership association or corporation manufacturing or selling any machinery equipment materials feed supplies or any other thing used in or in connection with the production or handling of milk by producers

This act does not prohibit the sale of cans pails strainers strainer pads cleaners or clorinating and sterilizing solutions and powders to milk producers by any distributor or the taking of orders for such items by representatives agents and inspectors of any distributor for and on behalf of such distributor

Section 2 Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than fifty dollars for the first offense not more than one hundred dollars for the second offense and not more than five hundred dollars for the third or any subsequent offense and in addition thereto to undergo imprisonment for not more than thirty days for any third or subsequent offense

Section 3 If on the effective date of this act any State municipal or other inspector of dairy farms has in his possession an inventory of such machinery equipment materials feed supplies or other things used in or in connection with the production or handling of milk by producers or if such person owns any stock bonds or other securities of or interest in any copartnerships association or corporation engaged in the manufacture or marketing of such machinery equipment materials feed supplies or other things which goods stocks bonds securities or interests cannot be disposed of within thirty days except at a loss he may within thirty days after such effective date apply to the Department of Health for leave to continue to sell such goods or to sell or dispose of such securities or interests during such additional time as the department shall allow Such application shall set forth an itemized statement of such goods securities and interests and the reasons for not being able to dispose of them within such thirty days except at a loss If the department is satisfied with such statement it shall grant such reasonable time within which such goods securities and interests may be disposed of

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2204, (Senate Bill No. 811), entitled:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change under certain conditions the locations of the sewers and sewer system by amending ordinances and providing that abutting property owners shall be liable in such cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any borough heretofore has by ordinance authorized the construction of sewers or a sewer system along certain designated streets alleys lanes roads or avenues and in along or over private property in said borough in accordance with certain designated plans and specifications as described in said ordinance and has provided that certain of the costs and expenses of the construction of said sewers and sewer system shall be assessed against the abutting property owners and has further entered into contracts for the construction of such sewers or sewer system and after the work has been commenced it appears desirable to make changes in the location of the sewers by placing said sewers or some of them on streets alleys lanes roads avenues or private property in any such borough other than as designated in any such ordiance or in such plans and specifications or as called for in any contract or contracts heretofore executed by the said borough any such borough upon obtaining the assent of the contractor or contractors to whom or which the contract or contracts for the construction of said sewers or sewer system have been awarded and his its or their sureties bondsmen bonding companies and insurance companies and the assent of the Sanitary Water Board of the Commonwealth of Pennsylvania may by an amending ordinance or ordinances change the location of the sewers and sewer system by eliminating certain of said sewer lines or by adding additional sewer lines or both and the property owners abutting upon the streets alleys lanes roads and avenues in upon or over which the sewers and sewer system are located by the original ordinance as thus amended shall be subject to assessment for the costs and expenses of such sewers and sewer system in the manner and to the extent as provided in any such original ordiance That the cost of the construction of the sewers or sewer system to the borough or to the abutting property owners shall not be increased above the amount or amounts specified in the existing contract or contracts therefor

On the question,

Will the House agree to the section?

Mr. WINNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 24, by inserting after the word "ordinance" the following: "Provided"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.
The title was read and agreed to as follows:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change under certain conditions the locations of the sewers and sewer system by amending ordinances and providing that abutting property owners shall be liable in such cases.

And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2219, (Senate Bill No. 745), entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner; defining non-cancellable health and accident insurance.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2218, (Senate Bill No. 672), entitled:

An Act to amend sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" defining employers and employes providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers further regulating registers of employment agencies and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" are hereby amended to read as follows

Section 1 Definitions Be it enacted etc That the following terms shall unless the context otherwise indicates have the folowing respective meaning

(a) The term "employment agent" shall mean every person copartnership association or corporation engaged in the business of or maintaining an agency for assisting employers to secure employes and persons to secure employment of whatever nature or of collecting and furnishing information regarding employers seeking employes and persons seeking employment

(b) The term "secretary" shall mean the Secretary of Labor and Industry of the Department of Labor and Industry of this Commonwealth or his duly authorized deputy or representative

(c) The term "department" shall mean the Department of Labor and Industry of this Commonwealth

(d) The term "fee" means and includes any money or other consideration paid or promised to be paid for services rendered or to be rendered by any employment agent as above defined Such term includes any excess of money received by any such person over what has been paid out by him for the transportation transfer of baggage or board and lodging for any applicant for employment

(e) The term "persons" shall include persons associations copartnerships and corporations

(f) The term "employer" as used in this act means any person employing or seeking to employ any person for hire

(g) The term "employe" as used in this act means any person performing or seeking to perform work or service of any kind or character whatsoever for hire

Section 2 The term "employment agent" as used in this act shall not apply to

(a) Departments associations or bureaus which are maintained solely for persons in this Commonwealth for the purpose of obtaining employes for themselves or their members and which charge no fee to applicants for employment

(b) Theatrical [managers representatives or agents engaging talent for use in their own performances] or entertainment producers and managers assembling managing and directing their own performances at their own expense and who charge no commissions or fees

(c) Bureaus or agencies procuring employment for school teachers without charge

(d) Bureaus or agencies procuring employment for registered nurses without charge

(e) Employment bureaus maintained by this Commonwealth

(f) Employment bureaus maintained by the United States of America within this Commonwealth

(g) Employment bureaus or agencies maintained by any association of manufacturers within the Commonwealth for the purpose of obtaining employes for their members and which charge no fee to applicants for employment Provided however That persons excluded from licensure under this section shall register with the department as hereinafter provided

Section 12 Every employment agent shall keep a register or registers approved by the secretary in which shall be entered in the English language the date of any application for employment the name and address of the the applicant the amount of the fee received and whenever possible the names and addresses of former employers or persons to whom such applicant is known and the final disposition of the applicant's case and in case of applicants under twenty-one years of age for employment the age of the applicants and the names and addresses of

parents or guardians a similar record of all applications of persons seeking employes the date of such application the kind of help required the names of the persons sent the record of the ones so sent if any who were employed as a result thereof the amount of the fee received and the rate of wages agreed upon No person shall make any false entry in such register

It shall be the duty of the employment agent whenever possible to communicate orally or in writing with at least one of the persons mentioned as reference by any applicant for work in private families or to be employed in a fiduciary capacity and the result of such investigation shall be kept on file in such agency Provided That if the applicant for help voluntarily waives in writing such investigation of references the employment agent shall not be required so to do

Section 24 Any person who violates any of the provisions of paragraphs (e) (f) (g) or (h) of section [twenty-three] twenty-two of this act shall be guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be sentenced to pay a fine of not less than one hundred dollars ($100) or more than one thousand dollars ($1,000) and costs of prosecution or undergo imprisonment in the county jail for a period of not more than one year or both at the discretion of the court

On the question,

Will the House agree to the section?

Mr. McGEE. Mr. Spekaer, I desire to offer the following amendment?

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, (sec. 2) page 3, line 28, by inserting after the word "fees" the following: "directly or indirectly"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend sections one, two, twelve and twenty-four of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred sixty) entitled, "An act regulating the business of assisting employers to obtain employes, and persons to secure employment; providing for the licensing, registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties," defining employers and employes, providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers; further regulating registers of employment agencies; and prescribing penalties.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2121, Senate Bill No. 219, Printer's No. 125, on page 13, was passed over at the request of Mr. NAGEL.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2223, (Senate Bill No. 755), entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties and repealing existing laws," by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2225, Senate Bill No. 787, Printer's No. 310, was passed over at the request of Mr. WESTRICK.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2222, (Senate Bill No. 749), as follows:

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance prohibiting any provision by which a policy of life insurance would take effect before the original application was made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred and ten and four hundred and eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" be and they are hereby amended to read as follows

Section 410 Uniform Policy Provisions No policy of life or endowment insurance except policies of industrial insurance where the premiums are payable monthly or

oftener shall hereafter be issued or delivered by any stock or mutual life insurance company in this Commonwealth unless it contains in substance the following provisions

(a) A provision that all premiums shall be payable in advance either at the home office of the company or to an agent of the company upon delivery of a receipt signed by one or more of the officers of the company who shall be named in the policy

(b) A provision that the insured is entitled to a grace either of thirty days or one month within which the payment of any premium after the first year may be made subject at the option of the company to an interest charge not in excess of six per centum per annum for the number of days of grace elapsing before the payment of the premium during which period of grace the policy shall continue in full force but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums of the current policy year if any are paid the amount of such premiums with interest on any overdue premiums may be deducted in any settlement under the policy

(c) A provision that the policy shall be incontestable after it has been in force during the lifetime of the insured two years from its date of issue except for nonpayment of premiums and for engaging in military or naval service in time of war without the consent in writing of an executive officer of the company and that at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident may also be excepted

(d) A provision that the policy shall constitute the entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be endorsed upon or attached to the policy when issued and in such case the policy shall contain a provision that the policy and the application therefor shall constitute the entire contract between the parties

(e) A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age

(f) A provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the third policy-year the company will annually determine the portion of the divisible surplus accruing on the policy and that the owner of the policy shall have the right to have the dividend arising from such participation paid in cash or applied to the payment of premium or the purchase of paid up additions to the policy as the policyholder may elect

In lieu of the foregoing provisions the policy may contain a provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the fifth policy-year the company will determine the portion of the divisible surplus accruing on the policy and that the owner of the policy shall have the right to have the current dividend arising from such participation paid in cash and that at periods of not more than five years thereafter such apportionment and payment at the option of the policy-holder shall be had

Renewable term policies of ten years or less may provide that the surplus accruing to such policies shall be determined and apportioned each year after the second policy-year and accumulated during each renewal period and that at the end of any renewal period or renewal of the policy by the insured the company shall apply the accumulated surplus as an annuity for the next succeeding renewal term in the reduction of premiums

(g) A provision specifying the options to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid

(h) A provision that after three full years' premiums have been paid the company at any time while the policy is in force will advance on proper assignment or pledge of the policy and on the sole security thereof at a specified rate of interest a sum equal to or at the option of the owner of the policy less than the reserve at the end of the current policy year on the policy and on any dividend additions thereto less a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy-year and may collect interest in advance on the loan to the end of the current policy-year which provision may further provide that such loan may be deferred for not exceeding six months after the application therefor is made A company may in lieu of the provision hereinabove permitted for the deduction from a loan on the policy of a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto insert in the policy a provision that one-fifth of the entire reserve may be deducted in case of a loan under the policy or may provide therein that the deduction may be the said two and one-half per centum or the one-fifth of the said entire reserve at the option of the company

(i) A provision which in event of default in premium payments after premiums shall have been paid for three years shall secure to the owner of the policy a stipulated form of insurance the net value of which shall be at least equal to the reserve at the date of default on the policy and on any dividend additions thereto specifying the mortality table and rate of interest adopted for computing such reserves less a sum not more than two and one-half per centum of the amount insured by the policy and of any existing dividend additions thereto and less any existing indebtedness to the company on the policy Such provision shall stipulate that the policy may be surrendered to the company at its home office within one month from date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid and may stipulate that the company may defer payment for not more than six (6) months after the application therefor is made This provision shall not be required in term insurance of twenty years or less

(j) A table showing in figures the loan value if any and the options available under the policy each year upon default in premium payments during at least the first twenty years of the policy and if the proceeds of the policy are payable in installments or as an annuity a table showing the amount of the installment or annuity payment

(k) A provision that the holder of a policy shall be entitled to have the policy re-instated at any time within three years from the date of default in premium payments unless the policy has been duly surrendered or the extension period expired upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per centum per annum

(l) A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death

Any of the foregoing provisions or parts thereof not applicable to single premium or non-participating or term policies shall to that extent not be incorporated therein [and paragraph (h) shall not apply to companies of other states and foreign governments] provided however That the policies of an insurance company organized under the laws of any state or foreign government may contain when issued in this Commonwealth any provision which may be prescribed by laws of the state or government under which the company is organized and the policies of a life insurance company organized under the laws of this Commonwealth may when issued in any other state territory or foreign country contain any provision required by the laws of such state territory or foreign country to be contained in policies issued therein

Section 411 Prohibited Policy Provisions No policy of life insurance shall be issued or delivered in this Commonwealth by any stock or mutual life insurance company organized under the laws of any other state or country or be issued by any stock or mutual life insurance company organized under the laws of this Commonwealth ex-

cept policies of industrial insurance where the premiums are payable monthly or oftener if it contain any of the following provisions

(a) Any provision for forfeiture of the policy for failure to repay any loan on the policy or to pay interest on any such loan while the total indebtedness on the policy is less than the cash value thereof In ascertaining the indebtedness due upon the policy loan the interest if not paid when due shall be added to the principal of such loan and shall bear interest at the rate specified in the note or loan agreement

(b) Any provision limiting the time within which any action at law or equity may be commenced to less than two years after the cause of action shall accrue

(c) Any provision by which the policy shall purport to be issued or take effect [more than six months] before the original application for the insurance was made if thereby the assured would rate at an age younger than his age at date when the application was made according to his age at nearest birthday

(d) Any provision for a mode of settlement at maturity of less value than the amount insured on the face of the policy plus dividend additions if any less the indebtedness to the company on the policy and less any premiums that may by the terms of the policy be deducted

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2220, (Senate Bill No. 764), entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," as amended, by extending the purposes for which companies may be incorporated to include insuring glass against all risk; insuring any goods or premises against any and all loss caused by water; and insuring moneys and securities against all risk.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2217, (Senate Bill No. 388), entitled:

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drugs' prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2198, (Senate Bill No. 104), entitled:

An Act authorizing boroughs that have relying on invalid bond issues authorized by the electors entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed to provide for payment of the reasonable value of such performance to contract for completion and to increase their indebtedness therefor and validating ordinances agreements increases of indebtedness and bonds heretofore adopted entered into issued or to be issued to accomplish such purposes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2221, (Senate Bill No. 747), entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing the manner in which dividends on contributory group insurance policies are to be apportioned.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1257, as follows:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty six (Pamphlet Laws 551) entitled "An act relating to roads highways and bridges" increasing the maximum width of public roads

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws 551), entitled "An act relating to roads highways and bridges" as last amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 745) is hereby further amended to read as follows

Section 5 The breadth of a private road shall not in any case exceed twenty-five feet and the width of a

public road shall not be less than thirty-three feet nor more than [one hundred and twenty feet] two hundred feet Provided That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills when the limits of the road and the extra width required for such slopes exceed the limits of width herein specified but no appropriation of property as width required only for slopes shall be construed to prevent the owner from making any use of his property which is not inconsistent with the necessary support or protection of the highway all viewers shall hereafter be required to take into consideration the qualified nature of the easement in proceedings to assess damages for the taking of land for highway purposes And provided further That when the public road desired to be opened is in a built up section of any township of the second class of the type commonly known as an alley and is not an integral part of a through route the minimum width shall be fifteen feet

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1780, as follows:

An Act to amend section five and sections sixteen seventeen and twenty-one as amended of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred and ten) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" by providing for promoters partnerships and co-promoters a bond to protect contestants managers and officials changing license fees for promoters boxers seconds managers and wrestlers and requiring payments to the Commonwealth for complimentary tickets

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred and ten) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties is hereby amended to read as follows

Section 5 License to Persons Promoters Partnerships and Corporations The commission may in its discretion issue a license to conduct hold or give boxing sparring or wrestling matches or exhibitions subject to the provisions of this act to any promoter partnership or corporation duly incorporated under the laws of this Commonwealth or to any person or persons but not otherwise When a promoter desires to associate with a promoter from outside this Commonwealth such co-promoter will be required to have a license in the same bracket as that required for the local promoter Such promoter partnership corporation person or persons must hold a lease of a term of at least three months for the premises in which such match or exhibition is to be held No license shall be issued to conduct hold or give boxing sparring or wrestling matches or exhibitions in any city borough town or township which has adopted or shall hereafter adopt any ordinance prohibiting such matches or exhibitions within its limits

Section 2 That sections sixteen and twenty-one of said act as last amended by the act approved on the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred and sixty) are hereby further amended to read as follows

Section 16 Bond Before a license shall be granted to a promoter partnership corporation or person such promoter partnership corporation or person shall execute and file with the commission a bond in such sum as shall be determined by the commission but not less than three thousand dollars All such bonds shall be approved as to form and sufficiency or sureties thereon by [said] the commission and the Department of Justice and shall be conditioned for the faithful performance by said promoter partnership corporation or person of the provisions of this act and the rules and regulations of the commission No such license shall be issued until such bond is approved and filed In case of default in the performance of any of the conditions prescribed by this act or by the rules and regulations of the commission the commission shall impose upon the delinquent promoter partnership corporation or person a penalty in the sum of not more than the amount of the bond for each offense which shall be recovered by the Attorney General in the name of the Commonwealth in the same manner as other penalties are recovered by law Any amount so recovered shall be paid to the State Treasurer for the use of the Commonwealth Funds due contestants managers or officials shall be recovered on the bond paid into the general fund and such contestants managers or officials shall be reimbursed by vouchers presented in the usual way against the funds appropriated to the State Athletic Commission

The failure on the part of any promoter upon postponement cancellation or default of any scheduled match to reimburse holders of tickets who have paid full purchase price thereof within ten days from the date of the original scheduled match shall be sufficient cause to warrant a forfeiture of the bond and imposition of penalty by the State Athletic Commission as hereinbefore provided From such fund realized on any such bond ticket purchase price refunds may be made on the order of the State Athletic Commission to persons who are purchasers at full face value of tickets issued by the promoter whose bond has thus been forfeited No person who has purchased tickets at less than full face value or persons receiving complimentary tickets shall receive any ticket purchasing refund

Section 21 Payments to State Every promoter partnership corporation or person holding any boxing sparring or wrestling match or exhibition under this act for which an admission is charged and received shall pay to the Commonwealth five per centum of the total gross receipts exclusive of any Federal taxes paid thereon Such payment shall be made within seventy-two hours after the holding of the contest and shall include payment on the face value of all tickets used including complimentary tickets and tickets All moneys received from such taxes shall be paid to the State Treasurer through the Department of Revenue

Section 3 That section seventeen of said act as last amended by the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand and eighty-four) is hereby further amended to read as follows

Section 17 License Fees Amateur Exhibitions and Matches Each applicant for a license shall before a license is issued by the commission and annually thereafter during the life of such license pay to the commission a license fee as follows Promoters partnerships corporations or persons in cities of the first class [two hundred and fifty dollars] where the building or structure has a seating capacity of two thousand or less one hundred dollars where the seating capacity is from two thousand and one to five thousand one hundred and fifty dollars where the seating capacity is five thousand and one or more two hundred and fifty dollars in cities of the second class one hundred dollars in cities of the third class and elsewhere twenty-five dollars physicians twenty-five dollars referees twenty-five dollars judges fifteen dollars timekeepers ten dollars professional boxes [ten] five dollars professional wrestlers [fifteen] ten dollars managers [forty] twenty-five dollars seconds ten dollars announcers fifteen dollars and matchmakers twenty-

five dollars but the commission may issue without fee licenses to referees or physicians authorizing such referees or physicians to officiate only at boxing sparring or wrestling matches or exhibitions between amateurs and only without receiving any compensation for their services Permits for matches or exhibitions in which only amateurs participate shall be issued without fee and may be issued for a single match or exhibition or a series of matches or exhibitions or for a period not exceeding one year

Permits for amateur boxing exhibitions or wrestling matches shall not be issued to any person or persons when such exhibitions or matches are conducted for individual profit

Permits for amateur boxing exhibitions or wrestling matches shall be issued only to bona fide amateur athletic associations as approved by the Commission

Section 4 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 81, as follows:

An Act authorizing Courts of Common Pleas to stay writs of eviction against certain classes of tenants in certain cases providing for continuance of return days for writs of eviction and authorizing the execution thereof without issuance of further writs

Whereas The present economic emergency has brought increasing distress to tenants of employers engaged in the mining and production of bituminous and anthracite coal and in the manufacture of iron and steel and their products and

Whereas Evictions in this emergency work tremendous inequities and injustices to such persons yield a minimum of satisfaction to employers and deprive families of shelter and means of subsistence thus endangering the health safety welfare and morals of the public therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when used in this act the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly requires a different meaning

"Writ of evidence" shall mean any writ of ejectment writ of possession habere facias possessionem or any other writ or form of eviction for the removal of any tenant together with his wife and family from any dwelling house residence or other building occupied by him and his family

"Tenant" shall mean any person together with his wife and family occuping or residing in any dwelling house residence or any other building owned leased or in any way controlled by his employer

Section 2 Every Court of Common Pleas of this Commonwealth shall have authority under the conditions hereinafter set forth to stay any writ of eviction from time to time and for such periods as the court in its discretion may deem proper Such stays shall be allowed only upon application of a tenant or any other person in interest and unless the plaintiff consent thereto only upon the applicant's showing to the court such facts as the court may deem sufficient to warrant such relief In granting any such stay or continuance the court may impose such condition as it deems proper as to payment of costs and any other pertinent matters

Section 3 In exercising the powers conferred by this act a court shall have the discretion of a chancellor sitting in equity It shall be sufficient reason for the granting of a stay hereunder that immediate eviction of the tenant would work serious inequity by reason of the economic emergency hereinabove referred to or that the tenant because of involuntary unemployment due to a strike or lockout at the mine or factory wherein he is employed is unable to pay his rent or other obligation to his employer

Section 4 The stay of any eviction under this act shall continue the return day of the writ of eviction to the first regular return day for such writs which shall occur after the orginial return day named in such writ In the meantime the writ shall remain in full force and effect and eviction may be made thereunder without the issuance of an alias or any other writ

Section 5 The powers herein conferred on Courts of Common Pleas shall be in addition to all powers now possessed by such courts to stay and otherwise control writs of eviction against tenants as herein defined

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1615, as follows:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania the property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies be and it hereby is authorized to acquire by purchase or gift or lease or condemnation in the name of the Commonwealth of Pennsylvania in whole or in part the real estate sometime owned by the Society of Seventh Day Baptists of Ephrata located in Ephrata Township Lancaster County Pennsylvania commonly known as the Ephrata Cloister now in the custody and control of a liquidating trustee appointed by the Commonwealth Court or Common Pleas Court of Dauphin County Pennsylvania

Section 2 The real estate so acquired shall be preserved and maintained as an historical place and park to be known as the Ephrata Cloisters Park

Section 3 All powers now exercised or heretofore conferred by law upon the Pennsylvania Historical Commission may be exercised by the commission for the purpose of this act and the commission shall have power to make and enforce rules and regulations for the preservation maintenance and protection of the property and the visitation thereof by the public

Section 4 In the event of condemnation the Department of Property and Supplies shall follow the procedure prescribed by law for the condemnation of lands by said department

Section 5 After the real estate shall have been acquired in whole or in part by purchase or gift or lease or condemnation by the Commonwealth the Pennsylvania Historical Commission shall have control management and supervision thereof and shall be charged with its maintenance

Section 6 As partial consideration for the said acquisition by purchase or gift or lease or condemnation authority is herewith specifically given subject to approval by the

Department of Justice to grant leaseholds for life for a nominal consideration to such surviving members of the Society of Seventh Day Baptists as may have been accupying any of the structures on the said real estate other than the cloister itself

Section 7 After the property shall have been acquired by the Commonwealth the Pennsylvania Historical Commission shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for its restoration improvement and maintenance using therefor any funds at the disposal of the said commission not otherwise specifically appropriated or allocated

Section 8 The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies to pay for the lands acquired under the provisions of this act and any costs and expenses in connection therewith

Section 9 The further sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the use of the Pennsylvania Historical Commission to maintain the lands or structures acquired under the provisions of this act for the biennium beginning the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mrs. HORTING. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2226, (Senate Bill No. 814), as follows:

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" empowering the Insurance Commissioner to make periodical examination of such societies and requiring such societies to furnish the Insurance Commissioner with any information he may desire providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violation of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report and be supervised by the Insurance Commissioner and repealing existing laws" be amended to read as follows.

Section 19 Examination The Insurance Commissioner or any person or persons he may appoint shall have the power of visitation and examination into the affairs of every domestic society He may employ such additional assistance from time to time as he may deem necessary or expedient for the purpose of such examination and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers and employes or other persons in relation to the affairs transactions and conditions of the society Such examinations shall be made every three (3) years or oftener as he deems it to be necessary

Whenever after examination the Insurance Commissioner is satisfied that any domestic society is exceeding its powers or is transacting business fraudulently or is in such condition that its further transaction of business will be hazardous to its members or to the public or shall determine to discontinue business the Insurance Commissioner may present the facts relating thereto to the Attorney General who shall if he deem the circumstances warrant proceed against such society in the method prescribed by the laws of this State providing for the liquidation of insolvent or delinquent companies orders or associations transacting any class of insurance

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced No application for injunction against or proceedings for the dissolution of or appointment of a receiver for any domestic society or branch thereof shall be entertained by any court of this Commonwealth unless the same is made by the Attorney General

Section 24 Examination of Foreign Societies The Insurance Commissioner or his deputy or examiner or any person or persons whom he may appoint [may] shall examine [any] every foreign society transacting [or applying for admission to transact] business in this Commonwealth Such examinations shall be made every three years or oftener if he deems it to be necessary He shall also require an examination to be made of every foreign society applying for admission to transact business in this Commonwealth The said Insurance Commissioner may employ assistants and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society He may summon and qualify as witness under oath and examine its officers agents and employes and other persons in relation to the affairs transactions and condition of the society He may in his discretion accept in lieu of such examination the examination of the Insurance Department of the state territory district province or country where such society is organized The actual expense of the examiners making any such examination shall be paid by the society upon statement furnished by the Insurance Commissioner

If any society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto the authority of such society to write new business in this Commonwealth shall be suspended or

license refused until satisfactory evidence is furnished the Insurance Commissioner relating to the condition and affairs of the society and during such suspension the society shall not write new business in this Commonwealth

Section 28 Annual Statement Every society transacting business under this act shall annually on or before the first day of March file with the Insurance Commissioner in such form as he may require a statement under oath of its president and secretary or corresponding officers of its transactions for the calendar year ending December thirty-first preceding and of its condition and standing on that date and shall include therein all accrued liability under unpaid claims [where notice was received by the society at its home office before the end of such calendar year No society shall be required to include in such report any claim or claims notice of which had not been received by the society at its home office before the end of such year] It shall also within thirty days after requested by the Insurance Commissioner render such additional statement or statements concerning its affairs and financial condition as the Insurance Commissioner may in his discretion require [furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working The commissioner may at other times require any further statement he may deem necessary to be made relating to such society]

Any such society which neglects to make and file its annual statement or other statements that may be required in the form or within the time herein provided shall forfeit one hundred dollars ($100) for each day during which such neglect continues and upon notice by the Insurance Commissioner its authority to do new business shall cease while such default continues

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2174, (Senate Bill No. 652), entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation

The first to the thirty-seventh sections inclusive were separately read and agreed to as follows:

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 The provisions of this act insofar as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments and shall not affect the validity of any registrations made prior to the enactment hereof except as herein provided

Section 3 Definitions (a) The word "Commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidates and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidates or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the third class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(n) "City" shall mean only a city of the third class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district with which such city is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calcula-

tion or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 4 Registration Commission Membership Actions by Vote of Majority of Members Record of Proceedings

(a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

(d) The commissioners shall receive no compensation in addition to their compensation as county commissioners

Section 5 Powers of Commission Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the Court of Common Pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission or commissioner shall be first duly sworn or affirmed

Section 6 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may appoint employes of the county to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars or clerks who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmation and (2) inspectors of registration who shall have any may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk at a compensation not exceeding three thousand dollars ($3000) per annum who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building in lodging-house or hotel with such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house in nor hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 7 Counsel The county solicitor shall be counsel for the commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a Court of Common Pleas as herein provided

Section 8 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account book stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 9 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall like-

wise be responsible for the correction of any errors in the doing thereof

Section 10 Commissioners and Chief Clerk May Act as Registrars and Inspectors A Commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 11 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 12 Acts to Be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 13 Records and Documents to Be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 14 Watchers at Places of Registration Privileges (a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors of the city to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or political body or citizens' organization represented shall be allowed in a place of registration at any one time

Section 15 Watchers or Attorneys at Sessions of Commission Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 16 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 17 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the effective date of this act each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sunday holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration

(b) Not later than thirty days prior to each primary and election the commission shall cause at least two registrars to sit for at least two separate days at a suitable and centrally located place in each city other than the office of the commission for the purpose of receiving personal applications for registrations applications for change of party enrollment and removal notices from the electors of such city Such registrars shall sit on said days continuously between the hours of 10 a. m. and 3 p. m. and between the hours of 7 p. m. and 10 p. m. Immediately upon the action of the commission which shall be taken in due time to the number of days of such registration and as to the number of registrars to be appointed for such purpose the commission shall notify in writing the county chairman of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of such action and of the number of registrars the commission will appoint to serve in said cities Not later than the third day after receipt of said notice said chairman shall submit to the commission a list of qualified electors of the county to serve as registrars for said days Of the registrars appointed by the commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairman shall fail to submit such list within the time herein provided the commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the county or shall appoint as all of such registrars any qualified electors of the county as the case may be

(c) The county Board of Elections shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be lesired by the registration commission for use as a place of registration in accordance with the provisions of this act Provided however That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper city authorities shall furnish suitable space in the city hall or other municipal building under

their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided however That such use shall not interfere with the use for which room or space is primarily designed

(f) The commisson shall publicly announce the address of each place of registration other than the office of the commission and the lays and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said city at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the city at least three days prior to the date when the place shall be so open and by such other newspaper publication as it deems desirable

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I hace read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this .....day of ..... 19.....

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be re-issued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the registrar commissioner or clerk in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the ward and election district in which the elector resides and to which the may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector his ward and district the fact of registration of party enrollment and the date thereof The commission upon request made at its office shall deliver such a written or printed statement to

the seal of his office setting forth that said person or the any person who is registered under the provisions of the existing registration law

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any city of the third class wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting for the the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person as registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street and number of his residence in the city

(h) For the purpose of carrying into effect the provisions of subsections (c) (13) and (14) of this section insofar as they relate to persons heretofore registered under the provisions of the act entitled "An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" approved the first day of July 1935 Pamphlet Laws 478 the commission shall deliver to the election board of the proper county in order that the same may be delivered to the election officers for use at the fall primary and the municipal election to be held in the year one thousand nine hundred and thirty-seven a sufficient number of affidavits for use at each polling place setting for that the elector is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels also a sufficient number of affidavits setting forth that the elector has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and space for a statement of the exact nature of such disability

Any elector heretofore registered under the provisions of said act and affected by the provisions of subsections (c) (13) or (14) of this section shall subscribe to one of said affidavits by his signature or mark and all of said affidavits thus executed shall be returned by the election officers to the commission after the fall primary and municipal election of 1937 and the commission shall attach each of said affidavits in a permanent manner to the registration card of said voter in the district register and shall make a notation of said information on the registration card contained in the general register Any voter thus affected may also execute one of said affidavits by appearing personally at the office of the commission and the commission shall have on hand a sufficient number of said affidavits for this purpose Any affidavit thus executed shall also be attached to the registration card of said elector contained in the district register and a notation of said information made on the registration card contained in the general register

Section 20 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided No person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a Court of Common Pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 21 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city street and number of said last employer's place of business (13) sex of the applicant (14) his color (15) the date of his birth and (16) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempt violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose

Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father or mother was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization took place and that she is unable to product his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and steet and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar commissioner or clerk who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of a court of record of the county

Section 26 District Registers The original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 27 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 28 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration card of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence In any cases the commission shall advise the elector in writing of its action

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar in any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next pre-

ceding a primary or an election excepting the thirty days next following each election and the first days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in witing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrollel and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last general or municipal election at which he voted he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physicial disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registration card together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

Section 30 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such city and prove his identity and the commission thereupon shall correct its records accordingly

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty of this act and shall proceed thereupon in accordance with the provision of that section

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in sub-sections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 32 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of such city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission

shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such information to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 33 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a suffcient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officers of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Corrected Street lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section 33 (c) herein Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 35 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adults persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission shall forthwith cancel registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 36 Delivery of District Registers to Election Officers

(a) Not later than noon of the third day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver election material Provided however That the registration commission shall not deliver the registration card for use at the polls on election day of any person who removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are so delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards can not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery

Section 37 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections provided that if the signature on the voters certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (e) of this section

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or of having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have

been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the Court of Common Pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county election board shall cause to be printed for each election district in the city a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....
I hereby certify that I am qualified to vote at this (primary) (election)
Signature .....
Address .....
..... Pennsylvania
Approved .....
Number of stub of ballot issued (or number of admission to voting machines) .....
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward and date of the primary or election The voter's certificate so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district register shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initial in the proper space on the registration card of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

The thirty-eighth section was read as follows:

Section 38 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in sections 30 and 31 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card

shall be stamped with the words "Supplemental cards attached" together with the date thereof

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 38, page 48, lines 23 and 24, by striking out the following: "Entry of information in general registers following elections and primaries" and inserting in lieu thereof the following: "Examination of district registers".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-ninth section was read as follows:

Section 39 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Re-instatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-nine and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for re-instatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for re-instateemnt of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 39, page 50, line 16, by striking out the word "thirty-nine" and inserting in lieu thereof the word "thirty-seven".

Amend section 39, page 50, line 19, by striking out the word "registered"

Amend section 39, page 50, line 20, by inserting after the word "elector" the following: "who has been registered for a period of at least two years and"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fortieth to forty-seventh sections inclusive and title were separately read and agreed to as follows:

Section 40 Cancellation Removal and Preservation of Registration Cards Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 41 Correction by Commission of Errors in Cancellation of Registrations Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the re-instatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall re-instate the registration of such elector

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of such city whose rights are impaired by any general order made by the commission not including refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper Court of Common Pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the Prothonotary in the usual manner provided however that in all cases where the appeal is sustained by the court the costs advanced by the appellant shall be ordered refunded

Section 43 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obligated to answer any appeal and shall not be obligated by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 44 Subpoenas and Witness Fees (a) Any Per-

son filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in courts if necessary to enforce any subpoena issued by such commission are to be provided for

(c) All subponeas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a Court of Common Pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fee for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments provided however that in all cases where the petition of the elector is sustained all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioning

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 45 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or of his commissioner or refuses to obey its or his subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher inspector of regisration court or commission by virtue of this act shall be prejury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered either in the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the Court of Common Pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court as aforesaid) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollar ($1,000) and to undergo and imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector of registration or other officers assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully delay neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder

or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interfers with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and undergo an imprisonment of not less than three (3) months nor more than two (2) years

(l) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by coercion threats of bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy and card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

Section 46 Effective Date Partial Invalidity Legislative Intent

(a) Except as otherwise provided therein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts therefo the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 47 Repeal of Prior Laws Proviso

(a) The act approved the first day of July one thousand nine hundred and thirty-five (P. L. 478) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police offcers courts judges porthonotaries sheriffs peace officers treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" is hereby repealed

(b) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

(d) The provisions of this act shall not affect any act done or any suit or prosecutions pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2126, (Senate Bill No. 65), as follows:

An Act to amend section one of the act approved the seventh day fo April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the county of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Court of Common Pleas of the county of Dauphin and the judges of the Orphans' Court of Dauphin County [is] are hereby clothed with jurisdiction throughout the State for the purpose of hearing and determining all suits claims and demands whatever at law in equity in the Court of Common Pleas of said county in which the [commonwealth] Commonwealth may be the party plaintiff for accounts unpaid balances unpaid liens taxes penalties and all other causes of action real personal and mixed

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 15 by inserting after the word "law" and before the word "in" the word: "and"

Amend page 2 by adding after line 19 the following new section: "Section 2. This act shall become effective immediately upon its final enactment."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, whether or not there is a bill establishing an Orphans Court of Dauphin County which has been passed by both the Senate and the House.

Mr. HERBERT B. COHEN. Mr. Speaker, the bill establishing the Orphans Court of Dauphin County has passed both the House and the Senate. Certain amendments were introduced into the bill and the bill is now on the table. It will be called off the table immediately after the insertion of these amendments, and similar amendments will be inserted in that bill. These amendments make the establishment of the Orphans Court effective immediately upon the final enactment and approval of the bill.

Mr. WOODSIDE. Mr. Speaker and members of the House, I do not think that the amendments which are now suggested to this bill and which will be suggested to the other bill are of very great importance to the Commonwealth of Pennsylvania or to Dauphin County. I was wondering, as well as a number of my other Republican colleagues, how long it would be until the Democrats would wake up to the fact that it does not have the provision in it to make the bill become effective immediately, as I realize that had the Democrats discovered that, it would be of particular advantage to that party to have that provision in the bill. I am interested in finding that they have now discovered that fact.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 10, 1937.

Resolved (if the Senate concur), that Senate Bill No. 64, Printer's No. 385, entitled "An Act to establish a separate orphans' court in and for the County of Dauphin," which is now before the Senate for concurrence in House amendments, be recalled from the Senate for the purpose of amendment.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McDERMOTT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lehigh, Mr. McDermott, vote on the final passage of this bill?

Mr. McDERMOTT. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsdiered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 6, page 2, line 28 by striking out at the end of the line the following: "[by and]"

Amend section 6, page 2, line 29 by striking out at the beginning of the line the following: "[with the consent of the Senate]"

Amend page 3 by adding after line 3 the following new section: "Section 7. This act shall become effective immediately upon final enactment."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 49.

An Act to amend clause one of section one of the act, approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the Courts of Quarter Sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been pre-

pared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 49.

An Act to amend clause one of section one of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the Courts of Quarter Sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising, and consolidating the law relating thereto," defining the Family Court of Phildelphia as a court having jurisdiction with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

SENATE MESSAGE

SENATE INSISTS ON ITS AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 794, entitled:

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred dollars ($300) or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 794

Mr. FLINCHBAUGH. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 794, Messrs. Flinchbaugh, Lewis and Turner.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON NON-CONCURRENCE IN HOUSE AMENDMENTS

The Clerk of the Senate being introduced, informed that the Senate insists upon its non-concurrence in the amendments made and insisted upon by the House of Representatives to House Bill No. 1161, entitled:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' by making further provisions for the appointment of mercantile appraisers"

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has non-concurred.

APPOINTMENT OF CONFERENCE ON HOUSE BILL No. 1161

Mr. BLANK. Mr. Speaker, I move that a Committee of Conference be appointed on House Bill No. 1611.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1161, Messrs. Blank, Walsh and Robert S. Hamilton.

Ordered, That the Clerk infrom the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. OMINSKY, from the Committee on Cities, reported as committed, House Bill No. 1858, entitled:

An Act to amend section two thousand five hundred fifty-three, as amended, of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class, and regulating the premiums thereof.

Mr. OMINSKY, from the Committee on Cities, reported as committed, House Bill No. 2241, (Senate Bill No. 1021), entitled:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems; and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

Mr. OMINSKY, from the Committee on Cities, reported as committed, House Bill No. 2248, (Senate Bill No. 945), entitled:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth; requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate, or copy thereof, to the City Council, the Mayor and the City Controller; making it the duty of the Council to appropriate and provide the sum so estimated to be required, and repealing inconsistent legislation.

Mr. OMINSKY, from the Committee on Cities, reported as committed, House Bill No. 2249, (Senate Bill No. 946), entitled:

An Act to amend section two of an act approved the sixteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1773) entitled "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65) entitled, 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale" by eliminating the requirement that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein, shall be deposited in the funds of such corporations for the redemption of bonds of said corporation, when the said bonds issued for the acquisition of such property or bonds refunding such original issue, shall have been redeemed and paid.

Mr. OMINSKY, from the Committee on Cities, reported as committed, House Bill No. 2240, (Senate Bill No. 1005), entitled:

An Act to amend section one of an act approved the thirtieth day of March, one thousand nine hundred and thirty-seven number forty-one entitled, "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled, 'An act for the better government of cities of the first class of this Commonwealth", as amended by changing the number and method of appointment of the civil service commissioners in said cities," abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June, one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three).

Mr. AUKERMAN, from the Committee on Motor Vehicles, re-reported as amended, House Bill No. 1984, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by adding new sections further regulating the use of highways and the operation of and the equipment used in connection with vehicles including trailers and semi-trailers street cars trackless trolley omnibuses school buses and commercial motorcycles upon the highways of this Commonwealth providing exemptions extending certain provisions of the act to trailers and semi-trailers providing for the renewal and automatic satisfaction of encumbrances and liens and further amending the procedure relating thereto providing for the further registration of certain vehicles and the licensing of the operators thereof including additional requirements reciprocity agreements and additional reasons for suspension and revocation conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment changing the procedure disposition of fines and penalties for certain violations of the act and making the fines thereunder mandatory and extending existing penalties and providing additional penalties.

Mr. FLANNERY, from the Committee on Cities, re-reported as amended, House Bill No. 248, entitled:

An Act to carry into effect section one of Article fifteen of the Constitution giving cities the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government, and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county commissioners and prothonotaries; and providing for the payment of certain expenses by cities.

RESOLUTION

Mr. WESTRICK offered a resolution which was filed with the Clerk under the Rules.

COMMITTEE APPOINTED

The SPEAKER. Pursuant to a resolution adopted by this House a few days ago, the Chair appoints as a Committee to arrange the baseball game between the married men and the single men Messrs. Preston and Bohn.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to call to the attention of the members the fact that tomorrow we will have a very heavy calendar. There will be more than fifty bills on the third reading calendar and it is very important that the members attend the session tomorrow if they wish to avoid a session on Thursday. The Chair is not making any promise that there will not be a Thursday session but does request all members to be present at tomorrow's session in order to clean up the calendar. The chances of not having a Thursday session will be much better if that is done.

ANNOUNCEMENTS BY THE CLERK

There will be the following public hearings tomorrow:

At 11:00 a. m. on House Bill No. 1690 in the House Caucus Room before the Committee on Mines and Mining.

At 11:00 a. m. in Room 101 on House Bills No. 452, 1704, 1869, 1899, 1901, 1952, 2014 and 2062, before the Committee on State Boards.

There will be a caucus of Republican members tomorrow morning at 9:30 in the House Caucus Room.

Committee meetings for tomorrow:

Agriculture, 11:00 a. m. Room 521.

Constitutional Amendments, 12:30 p. m. in Room 324.

Counties at 11:30 a. m. in Room 324.

Judiciary General at 12:00 noon in Room 325.

Repeal Bills at 12:30 in Room 546.

Townships at 10:30 a. m. in Room 324.

ADJOURNMENT

Mr. RUSH. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12:00 o'clock noon.

The motion was agreed to, and (at 5:50 p. m.) the House adjourned until Wednesday, May 12, 1937, at 12:00 o'clock noon.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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SENATE

WEDNESDAY, May 12, 1937.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L. D. offered the following prayer:

Unto Thee we lift our eyes in grateful praise, O Thou that dwellest in the Heavens! In the beauty of the stars of God, in the glory of his sunlight, Thou dost speak to us.

We thank Thee for Moses, the meekest, for Jesus, gentlest; yet, if we have ears to hear and eyes to see—

"Every bird that sings,
And every flower that studs the plastic sod,
Every breath that fragrant summer brings,
To the pure spirit, is a Word of God."

Yet it well may be that
The gladdest of earth be the bodily blind:
While the saddest of all is the sightless mind.

Our Father, as we meet today, and from day to day, give us understanding hearts that we may bring to Thee our best. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RANKIN, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following comunications:

OPPOSING ANY BILL WHICH WOULD ABOLISH SYSTEM OF POOR RELIEF BY ELECTED POOR DIRECTORS

Petitions received from thousands of citizens of the Commonwealth of Pennsylvania opposing any bill which would tend to abolish the present system of general poor relief by elected Poor Directors, or to limit their power and duties under existing law.

Which was referred to the Committee on Welfare.

OPPOSING PASSAGE OF BILL TO LEGALIZE PARI-MUTUAL BETTING

Communication from Christian H. Shirk, Secretary of the Methodist Ministers' Meeting in Philadelphia protesting against the passage of the pending bill to legalize Pari-Mutual Betting.

Which was referred to the Committee on Law and Order.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from his Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

S. L. Kann, 316-4th Ave., Pittsburgh.

BUCKS COUNTY

Wm. D. Warner, Bristol.

INDIANA COUNTY

Stanley E. Stahl, Cherry Tree, Green Twp.

LAWRENCE COUNTY

Miss Corl J. Swartz, Ellwood City.

LEHIGH COUNTY

Mrs. Marion Homer Getts, Allentown.

Russell A. Leister, Center Valley, Upper Saucon Twp.

LUZERNE COUNTY

William L. McGarry, Wilkes-Barre.

WESTMORELAND COUNTY

Chester McCutcheon, Irwin.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE RECEDES FROM NON-CONCURRENCE AND AMENDMENTS TO HOUSE BILL No. 1284

He also presented communication from the House of Representatives informing the Senate that the House had receded from its non-concurrence in amendemnts made by the Senate to House Bill No. 1284 entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing

for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1284

He also presented communication from the House of Representatives informing the Senate that the House had concurred in amendments made by the Senate to said House Bill No. 1284.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1692

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 1692 entitled:

An Act requiring the consent of the electors of a township of the second class when such township or any part thereof is to be annexed to a contiguous borough or city.

Mr. LAW. Mr. President, I move that the Senate do now proceed to the consideration of the report of the Committee of Conference on House Bill No. 1692.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1692

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1692, entitled "An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city," respectfully submit the following bill as our report:

J. ALBERT REED
GLEN R. LAW
(Committee on the Part of the Senate)

CLIFF PATTERSON
L. KENNETH HARKINS
THOS. WEIDEMANN
(Committee on the part of the House of Representatives)

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no township of the first class nor any part of any such township shall be annexed to a contiguous city or borough in accordance with any existing law providing for such annexation unless the voters of the entire township have first consented to such annexation Whenever any proceeding for such annexation shall be commenced the same shall not be concluded and the annexation shall not become effective until there has first been submitted to the electors of the entire township in accordance with the election law for the submission of such questions a proper question to ascertain the will of the electors with respect to such proposed annexation Such question shall be printed on ballots provided by the county commissioners and shall be submitted at any general or municipal election occurring at least sixty days after a petition shall have been filed with the county commisioners by the corporate authorities of the borough or city to which such annexation is to be made asking for the submission of such question If at any such election a majority of those voting on such question shall consent to such annexation then such annexation may be made and concluded in the manner provided by law but if a majority of those voting on the question shall vote against such annexation then no further proceedings for such annexation shall be had Any such question shall not be submitted oftener than once in five years Nothing contained in this act shall be construed to apply to proceedings under existing law where provision is now or hereafter made to secure the consent of the electors of any township to any such annexation

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the Senate agree to the Report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bean,	Heyburn,	Mallery,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Jacobs,	Owlett,	Shapiro,
Dando,	Jaspan,	Pytko,	Sipe,
Ealy,	Kahle,	Rankin,	Sones,
Eroe,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Wolfenden,
Haluska,	Lanius,	Rodgers,	Woodward,
Henney,	Law,	Ruth,	

NAYS—0

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL No. 1161

He also presented communication from the House of Representatives, informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 1161, entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three), entitled "Fiscal Code" by making further provision for the appointemnt of mercantile appraisers.

and has appointed Messrs. Blank, Walsh and Roberts S. Hamilton as a Committee of Conference to confer with a similar committee of the Senate, (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. LAW. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the foregoing bill and that a Committee of Conference be ap-

pointed to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that Messrs. Rankin, Kunkel and Buckman be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 794

He also presented communication from the House of Representatives informing the Senate that the House insists upon its non-concurrence in amendments made by the Senate to House Bill No. 794 entitled:

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "Small Loan Act (Loan Brokers Registration)," enlarging the powers of the Secretary of Banking; authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; reuqiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act.

and has appointed Messrs. Flinchbaugh, Lewis and Turner as a Committee of conference to confer with a similar committee of the Senate, (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. LAW. Mr. President, I move that Senate insist upon its non-concurrence in the amendments to the foregoing bill and that a committee of conference be appointed to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. RICE. Mr. President, I second the motion.

Ordered, that Messrs. Sones, Shapiro and Wolfenden be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

RE-CONSIDERATION OF SENATE BILL No. 22

Mr. LAW. Mr. President, I move to reconsider the vote by which Senate Bill No. 22, recalled from the Governor and now on the table, entitled:

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1348) entitled 'An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial educational and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

Mr. RICE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. RICE. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. LAW. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

Mr. RICE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator lote?

Mr. RICE. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. LAW. Mr. President, I ask unanimous consent to amend title, page 1, line 7 of title, by inserting after the word "appropriation" the following: "creating said commission as a departmental administrative commision in the Department of Highways"

Amend sec. 1 (sec.1), page 2, line 19, by striking out with light-face brackets the words "whose duty it shall be" and inserting in lieu thereof: "which shall be departmental administrative commission in the Department of Highways, and shall have the powers and perform the duties generally vested in and imposed upon department administrative boards and commissions by the Administrative Code of 1929. It shall be the duty of the commision in connection with the publicity and information furnished by the Department of Highways"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be presented for the use of the Senate.

REPORTS OF COMMITTEES

Mr. BUCKMAN, from the Committee on Public Utilities, reported as committed, Senate Bill No. 820,, entitled:

An Act to further amend section one of the act, approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws, twenty-seven), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by changing certain provisions as to transfer of structures and facilities of public service companies, providing for assertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

Mr. WOODWARD, from the Committee on State Boards, reported as committed, Senate Bill No. 503, (House Bill No. 914), entitled:

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal licenses or registration certificates to persons engaged in professions trades or occupations requiring such renewals

Also, from the Committee on State Boards, reported as committed, Senate Bill No. 795, (House Bill No. 859), entitled:.

An Act to further amend section four of the act, approved the third day of June, one thousand nine hundred

and eleven (P. L. 639), entitled, as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof; and repealing all acts or parts of acts inconsistent therewith," by changing the requirements of medical educational institutions.

Mr. SCARLETT, from the Committee on State Boards, reported as committed, Senate Bill No. 645, entitled:

An Act limiting the amount that water companies may charge boroughs for fire protection; and imposing duties on the Public Service Commission or its successor.

Also, from the Committee on State Boards, reported as committed, Senate Bill No. 964, (House Bill No. 96), entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of ways or easements over state institution lands for public road purposes

Also, from the Committee on State Boards, reported as amended, Senate Bill No. 1196, (House Bill No. 1524), entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by modifying the provisions relating to barber schools, and licensing of persons as barbers, and the issuing of renewal, student or apprentice permits; providing additional grounds for suspension and revocation of permits and registrations; discontinuing the use of the term "barber college"; and prescribing penalties.

Mr. OWLETT, from the Committee on Finance, reported as amended, Senate Bill No. 1017, (House Bill No. 2154), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenues, levied, assessed, collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

Mr. EROE, from the Committee on Corporations, reported as committed, Senate Bill No. 630, entitled:

An Act to further amend the act, approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act; imposing penalties and repealing certain acts and parts of acts relating to corporations;" re-defining authorized capital stock; eliminating certain approvals of articles of incorporation and certificates of authority; and further regulating the incorporation of business corporations and the amendments to the articles thereof; regulating and extending the rights, responsibilities authority powers and immunities of such corporations and of reorganized corporations and of the shareholders thereof and the rights powers qualifications and compensation of the officers thereof; providing for certificates of approval by the Department of State; further providing for and regulating the merger or consolidation and dissolution of such corporations; and providing penalties.

Also, from the Committee on Corporations, reported as committed, Senate Bill No. 629, entitled:

An Act to further amend the act, approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289, entitled "An act relating to non-profit corporations; defining and providing for the organization merger consolidation and dissolution of such corporations; conferring certain rights powers duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within this Commonwealth; conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations;" further regulating the incorporation of non-profit corporations; regulating and extending and restricting in certain cases, the rights responsibilities authority and powers of such corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof; further providing for and regulating the merger or consolidation and the dissolution of such corporations and providing penalties.

Mr. JACOBS, from the Committee on Judiciary General, re-reported as amended, Senate Bill No. 911, entitled:

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits, debts and interest on debts, proceeds of policies of insurance, stock, and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

Mr. RODGERS, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 807, entitled:

A Joint Resolution proposing an amendment to section one, Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Also from the Committee on State Boards, reported as committed, Senate Bill No. 1080, (House Bill No. 1575), entitled:

An Act to amend section eighteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalities," as amended, authorizing the assignment of retirement rights in certain cases.

Also from the Committee on State Boards, reported as committed, Senate Bill No. 981, (House Bill No. 1775), entitled:

An Act to amend clause (g), section one thousand three hundred nine, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," to authorize the Pennsylvania Historical Commission at its discretion, to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody."

Also from the Committee on State Boards, reported as committed, Senate Bill No. 822, entitled:

An Act regulating the admission of persons to the practice of law in this Commonwealth; establishing a commission and certain boards to investigate the character and fitness and to examine the general and legal educational qualifications of such persons; abolishing certain other boards heretofore established; authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; providing a remedy and imposing penalties; limiting the construction and interpretation hereof, and repealing all acts and parts of acts inconsistent herewith.

Mr. JASPAN, from the Committee on Education, reported as committed, Senate Bill No. 1208, entitled:

An Act to amend sections twelve and fourteen as amended of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled, "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to persons who have withdrawn from and returned to school service; and to persons who have separated from school service because of physical or mental disability.

Also from the Committee on Education, reported as committed, Senate Bill No. 711, (House Bill No. 77), entitled:

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings

Also from the Committee on Education, reported as amended, Senate Bill No. 1192, (House Bill No. 1324), entitled:

An Act to further amend section two thousand two hundred and twenty-three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special, or local or any parts thereof, that are or may be inconsistent therewith" as amended, by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of buildings in districts of the first class, under certain circumstances, and authorizing such school districts to provide for the payment of such additional allowances.

Mr. KUNKEL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1167, entitled:

An Act to define and restrict the obligation of persons engaged on, connected with, or employed by certain newspapers, or press associations in testifying as to the source of information procured or obtained by such persons.

Also from the Committee on Judiciary General, reported as committed, Senate Bill No. 656, (House Bill No. 234), entitled:

An Act to re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," as amended.

Mr. SONES, from the Committee on Highways, reported as amended, Senate Bill No. 970, (House Bill No. 1400), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended regulating the sale and further regulating the installation use and operation of traffic regulation devices signals signs and markings and the operation of motor vehicles on the highways affecting the powers of municipal authorities in certain cases and of the Secretary of Highways and changing and imposing penalties

Mr. THOMPSON, from the Committee on Appropriations, reported as amended, Senate Bill No. 207, entitled:

An Act making an appropriation to the Trustees of Pennsylvania State College for the use of the School of Engineering.

Mr. MUNDY, from the Committee on Public Health, reported as amended, Senate Bill No. 148, entitled:

An Act to amend the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five, (P. L. 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties," as amended, by further regulating the manufacture and sale of carbonated beverages and still drinks, changing the penalties prescribed and providing for injunctions in certain cases.

Mr. HENNEY, from the Committee on State Boards, reported as committed, Senate Bill No. 1085, entitled:

An Act providing for fixing minimum compensation for barber service in the several counties of this Commonwealth; conferring powers and imposing duties on the Department of Public Instruction; and prescribing penalties.

Also, from the Committee on State Boards, reported as committed Senate Bill No. 889, entitled:

An Act to amend section six of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," authorizing the State Board of Undertakers to permit licensed undertakers to conduct branches, chapels, funeral homes, or display parlors under trade names in certain cases.

Mr. KILGALLEN, from the Committee on Forests and Waters, reported as committed, Senate Bill No. 1116, entitled:

An Act to amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 759), entitled "An act granting the right and lawful authority to corporations to construct, operate, and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply, subject to the approval of the Water Supply Commission," extending the provisions of said act to additional corporations.

Mr. SIPE, from the Committee on Education, re-reported as amended, Senate Bill No. 144, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to estabilsh a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the powers and duties of district superintendents, supervising principals and county superintendents; changing the qualifications of county, district, assistant and associate superintendents and supervising principals; increasing the terms of county and district superintendents; and conferring powers and imposing duties on the State Council of Education.

Also, from the Committee on Education, re-reported as committed, Senate Bill No. 998, entitled:

An Act to amend the act approved the enghteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by further regulating the incuring or refunding of indebtedness, the issuing of bonds by school districts, and the retiring of indebtedness; making payroll obligations preferential claims against

the district; providing for penalties for failure to comply with any part of the act; and repealing provisions of state laws inconsistent with this act.

Mr. WOODWARD, from the Committee on Public Health, reported as committed, Senate Bill No. 619, (House Bill No. 931), entitled:

An Act regulating the sale, exchange, removal and installation of certain plumbing fixtures in cities of the first class.

BILLS INTRODUCED

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 1259, entitled:

An Act to amend sections one and four of the act, approved the ninth day of March, one thousand nine hundred and thirty-seven (Act No. 11, entitled "A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Comonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise to make such report a recommendation to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation;" by empowering the commision to sit after the adjournment of the General Assembly; and increasing the amount of the appropriation.

Which was committed to the Committee on Appropriations.

Mr. DiSILVESTRO read in his place and presented to the Chair, Senate Bill No. 1260, entitled:

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, further regulating the compensation to be paid attendance peace officers and home and school visitors in school districts of the first class.

Which was committed to the Committee on Education.

Mr. JASPAN read in his place and presented to the Chair, Senate Bill No. 1261, entitled:

An Act to amend the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549) entitled "An act to permit the use of voting machines for recording the computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electrs thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards in cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by adding a new section thereto 11-A providing that in counties of the first class all appointments shall be equally divided between majority and minority commissioners.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair, Senate Bill No. 1262, entitled:

An Act providing for the sale of Fort Necessity Park, in Wharton Township, to the government of the United States, for National Military Park purposes, and giving consent to the purchase of said park, other lands of historical importance; and, with certain reservations, ceding jurisdiction over such lands.

Which was committed to the Committee on State Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. SALUS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Salus, will state his question of personal privilege.

Mr. SALUS. Mr. President, I am about to introduce a Resolution, but before doing so I want to rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Salus, will state his question of personal privilege.

Mr. SALUS. Mr. President, and Members of the Senate, I think you will all agree with me that the two outstanding propositions before not only the National Government, but also in so far as our local Government is concerned, our questions of balancing the budget and unemployment. Unemployment must not be confused with the relief; relief is a side issue of unemployment. If we can solve the question of relief will solve itself.

We have heard much from the National Government as to the balancing of its budget, and those of us who have made any study of the proposition know that the President of these United States in the present condition of affairs cannot and will not be able to balance the National Budget. We further know that the Governor of this Commonwealth in the present condition of affairs cannot balance this budget or his budget. No budget can be balanced until the question of unemployment is solved. No budget can be balanced on a debit and a credit column. The question of finance will never solve the National or Local Relief questions. In the balancing of that budget there must be three columns, an income column, an expense column and a column that deals with humanity, and until such time as we can balance these three columns, there can be no balancing of the budget, nor can there be any real Government in Pennsylvania, or in the United States.

Many efforts have been made to try to solve the relief problem, and that to my mind is not the big problem, because it will solve itself, and all we have heard from time to time is the question of relief, and with whom are we going to find fault?

We are either going to find fault with everybody and

with every form of institution, or find fault with no one, so that it is a national condition that cannot be overcome, in my mind, due to the inability and unwillingness of those in public life to take hold of this question. I again contend that when it is a question of relief, that we have been playing politics, that human misery has increased, and that relief has been made a political issue throughout the State, and the time is now here, I believe that if anyone in public office plays politics at the expense of human beings, it is time that there should ben an uprising in this Government, and unless these conditions change there can be nothing else but an uprising. I think that is the question, and it will be a sorrowful condition of affairs, I believe, and I am picking out no particular political party. Now, I do not want to make a charge against the Democratic Party; I do not want to make a charge against the Republican Party; both parties have either been careless, negligent, or badly advised. I am not here to save the hides of industries, I am not here to save the hides of Union Labor, nor the hides of anyone, and I think all the factors that pend to make up this Government are either at fault or no one is at fault, and for that purpose and with that in mind, I am about to offer a resolution whereby all these factors can get together around a round table so that this question of unemployment can be solved, and until they all work together harmonisly with an effort to do the right thing, without regards to politics without regards to whom it may hit, we cannot come to a common understanding. I hope the reign or reason still predominates, at least in this Commonwealth, in order that we set an example for these United States, and the National Government. Some one, somewhere, or somehow must take this question in hand and solve the problem, or else the day of reckoning must come and come promptly.

RESOLUTION RELATIVE TO APPOINTMENT OF A COMMISSION TO FORMULATE A PLAN TO RELIEVE UNEMPLOYMENT

Mr. SALUS. offered the following resolution which was twice read considered and agreed to:

In the Senate of Pennsylvania, May 12, 1937.

Whereas, The two most important legislative questions before the Pennsylvania Legislature are making adequate provisions for unemployment relief and at the same time balancing the budget, and

Whereas, Commissions have been appointed to study and work out better systems for the distribution, but these commissions have left to others the ways and means of balancing public budgets, and

Whereas, In any system of modern government this important question must be taken into consideration viz: How can humanitarian needs be provided for and at the same time income and expenditures kept in balance, an

Whereas, The solution to the balancing of the budget lies in employing every available effort to provide employment thus relieving human misery and lessening the public burden, therefore be it

Resolved (if the House of Representatives concur), That a commission is hereby constituted which shall consist of the Governor, the Lieutenant Governor, the Auditor General, the State Treasurer, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the mayors of the cities of Philadelphia, Pittsburgh and Scranton ex-officio. The President Pro Tempore of the Senate shall appoint to said commission three members of the Senate and the Speaker of the House of Representatives shall appoint three members of the House. The Governor shall appoint to the commission five members representing the press, three persons representing the banking interests, seven members representing the mining, industrial and manufacturing interests, five members representing labor unions, five members representing the Workers' Alliance, five members representing the farming interests and five social service workers.

Resolved, That it shall be the duty of said commission to formulate the most feasible and practical plan it can devise whereby, with the co-operation of the state and local governments, employers of labor, union labor, the farming interest and others, employment may be found for residents of the State through a clearing house system established by it, and whereby the state and local governments can, to the extent of their resources, under balanced budgets, aid by subsidies, if necessary, private employers in providing employment.

Resolved, If the commision is able to formulate a plan deemed satisfactory and if it be found that legislation is required to accomplish its objects, the Governor be required to call an extra-ordinary session of the General Assembly to enact the same.

Resolved, That an item of appropriation be inserted in the General Appropriation Bill to cover the expenses of the commission.

Mr. SALUS. Mr. President, I ask unanimous consent that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

Mr. RICE. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The resolution is referred to the Committee on Welfare.

MOTION TO PRINT RESOLUTION

Mr. SALUS. Mr. President, I ask that this resolution be printed for the information of the members of the Senate.

The PRESIDENT. Is there objection? The Chair hears none and the resolution will be printed.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOLFENDEN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Indiana will state his question of personal privilege.

Mr. WOLFENDEN. Mr. President, I understand that last Monday a conference was held in the Executive's office, in which the Governor and the Secretary of the Commonwealth expressed their great opposition to the smothering or pickling bills in committee. The resolution which I am going to offer refers to a bill that has been in committee since February 16th. It is not a matter of politics, it is a matter of principle and conscience, and I hope that the members of this Senate will look at it in that light when they vote. It is a matter of whether you regard your word given publicly as sacredly as your word given privately. I say in all sincerity that there is not one gentleman in this Senate whose private word I would not take as well as I would take his bond. I hope I can still feel that public promises are as sacred as private promises, and also the matter to consider whether you want your constituency to have the same consideration that this constituency is asking.

RESOLUTION RELATIVE TO BILLS NOW IN COMMITTEE

Mr. WOLFENDEN offered the following resolution which was twice read:

In the Senate, May 12, 1937.

Whereas, Senate Bill No. 290 (House Bill No. 332) Printer's No. 90, permitting a referendum by the citizens of Pittsburgh on the city manager plan of government with proportional representation for the election of council was introduced in the House of Representatives by Assemblyman O'Keefe of Allegheny County, January 26, 1937 and passed said House unanimously on February 17, 1937, and

Whereas, Honorable David Lawrence, Chairman of the Democratic State Committee who is also head of the Democratic Organization of Allegheny County, as well as all Allegheny County Democratic members of the House and Senate, prior to election pledged themselves to support this legislation, and

Whereas, Said Bill has since its passage by the House on February 17, 1937, been held in the Senate Committee on City Government, and

Whereas, The said Senate Committee on City Government, at this Session of the Legislature, has reported to the Senate for action, the following bills affecting the form of government of the City of Philadelphia

BILL No.	TITLE OF BILL	DATE REFFERRED TO SENATE COMMITTEE ON CITY GOVERNMENT FOR STUDY	DATE REPORTED BY COMMITTEE TO SENATE FOR ACTION
Senate No. 29	Establishing a Court of Common Pleas #6 in Philadelphia.	January 11, 1937	January 12, 1937
Senate No. 122	Payroll deduction from officers and employees in city of Philadelphia for delinquent taxes.	January 25, 1937	January 26, 1937
House No. 257	Philadelphia City Controller to succeed Mayor in case of vacancy.	March 10, 1937	March 22, 1937
Senate No. 590	Philadelphia Tax assessment bill.	March 16, 1937	March 22, 1937
Senate No. 589	Fixes number of members and personnel on Board of Revision of taxes in Philadelphia.	March 16, 1937	March 22, 1937
Senate No. 588	Abolish Receiver of Taxes and give power to City Treasurer in Philadelphia.	March 16, 1937	March 22, 1937
Senate No. 587	Abolish Board of Viewers and confers powers on Board of Revision of Taxes in Philadelphia.	March 16, 1937	March 22, 1937
Senate No. 586	Changing appointment of Board of Revision of Taxes in Philadelphia from County Court to County Treasurer and Controller.	March 16, 1937	March 22, 1937
House No. 108	Philadelphia Family Court Bill.	April 14, 1937	April 19, 1937
House No. 999	Commission to Frame City Charter for Philadelphia.	March 29, 1937	March 30, 1937
House No. 1335	Hours of employment of Firemen in Philadelphia.	March 24, 1937	March 30, 1937
Senate No. 370	Collection of Delinquent Taxes from creditors of City of Philadelphia.	March 1, 1937	March 8, 1937
House No. 964	Changing appointing power of Civil Service Commissioners in Philadelphia from Council to Mayor and Controller.	March 17, 1937	March 22, 1937
Senate No. 58	Ripping Jurisdiction of Municipal Court of Philadelphia.	January 12, 1937	February 3, 1937
Senate No. 916	Establishing Court of Common Pleas No. 7 in Philadelphia.	April 19, 1937	April 19, 1937

and,

Whereas, The said Senate Committee on City Government during the twelve weeks since the said Bill was referred to it, February 17, 1937, has taken no action on Senate Bill No. 290 (House Bill No. 332) which Bill affects the form of government in the City of Pittsburgh, in spite of frequent urgings in editorial comments in Pittsburgh newspaper and by civic organizations, that action be taken, and,

Whereas, A tentative date for adjournment of this Legislature has been set as May 21, 1937, before which date but two weeks remain, therefore be it

Resolved, That the Senate of Pennsylvania request the Committee on City Government to report to the Senate, within one week, Senate Bill No. 290 (House Bill No. 332) Printer's No. 90, so that action may be taken thereon.

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended, and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. RICE. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. WOLFENDEN. Mr. President, I move that the Rules of the Senate be suspended for the purpose of immediate consideration of the resolution.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. KILGALLEN. Mr. President, I desire to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. KILGALLEN. Mr. President, does the Senator from Indiana, Mr. Wolfenden, have any complaint as to the official conduct of the present Mayor of the City of Pittsburgh and the present Council of the City of Pittsburgh?

Mr. WOLFENDEN. Mr. President, my resolution states nothing about the conduct of the City Council and the Mayor of the City of Pittsburgh.

Mr. KILGALLEN. Mr. President, does the Senator from Indiana understand the bill mentioned in his resolution?

Mr. WOLFENDEN. Mr. President, I have read the bill.

Mr. KILGALLEN. Mr. President, will the Senator from Indiana explain to the Senate what is meant by proportinal representation?

Mr. WOLFENDEN. Mr. President, I would rather not commit myself.

Mr. KILGALLEN. Mr. President, I take it from that, then, that the Senator from Indiana does not understand the meaning of proportional representation sufficiently well to explain it to this Senate.

Mr. WOLFENDEN. Mr President, I am not entering into the merits of the bill.

Mr. KILGALLEN. Mr. President, does the Senator not want the committee having this bill under consideration to go into the merits of the bill?

Mr. WOLFENDEN. Mr. President, I call to the Senator's attention that I am not asking for the discharge of the committee.

Mr. SHAPIRO. Mr. President, I have been Chairman of this Committee and I have been discharged before, so that does not make me feel badly if I am discharged again, but I am curious to know, and for that purpose I seconded the motion, that the rule be waived so that this resolution can be considered. What is the motive for the resolution? This resolution provides, not that the committee be discharged, but practically that the Senate ordered the committee to report the bill to the floor of the Senate. I agree thoroughly with the Senator from Indiana that bills of importance, in which communities and citizens are interested, and which are controversial, should not be pickled in committee. I suggest to the Senator from Indiana that since he does not know the contents of the bill, that he read it, and he will find that this bill changes completely the governmental structure of the city of Pittsburgh. It Provides for proportional representation, it provides for city management. I have had this bill in committee for a number of weeks, and the reason that it has not been reported is obvious. The committee has been performing that which I believe to be the function of the committee, it has held the bill, it has been discussed in committee. We had a meeting last week and there was nobody interested enough to demand that the bill come out. I had two telegrams in connection with the bill, one from a lady who seems to be very much interested in city management, another from a gentleman who claimed he represented a number of organizations in Pittsburgh who are interested in city management.

This is an important bill, I imagine, to representatives from Pittsburgh. There has not been a single representative from the city of Pittsburgh in this Chamber, nor in the House, who has asked this committee to bring out the bill, and I do not see why the Senate should instruct a committee to bring out a bill concerning a community when the representatives of the community are not interested in the bill. I seconded the motion for the purpose of being able to have this discussion, otherwise the discussion could not have been had. I wanted an opportunity to explain the position I am taking. This is a motion to suspend the rules requiring unanimous consent for immediate consideration. I have no objection to this resolution should be considered and voted down because the committee is performing a proper function. The committee is not pickling the bill. There is nobody except a ccuple of people who have an interest in city management, who are asking for this bill to come out. The city of Pittsburgh and its citizens are not up in arms about this matter, it is not being agitated here in this Senate, and nobody has raised a question about the bill, except the Senator who has presented this resolution. Under those circumstances, I think we ought to discuss this matter, and if the resolution were before us, I would vote against it. I do not think that the resolution ought to be sent to committee. This is the time to argue it. The Senators from Pittsburgh know all about this, more than I do, and ought to be willing to stand on the floor and discuss it.

The PRESIDENT. Let the Chair suggest that if you want to discuss the resolution that you really dispose of this motion. This is no time to discuss the resolution, no debate is in order except the motion to suspend the rule.

Mr. LAW. Mr. President, I shall try to avoid the main subject on the bill; however, I do not think it is possible to discuss this motion to suspend without discussing somewhat the bill.

I want to say this, that I am not pledged to this bill and I am unalterably opposed to any bill that provides for proportional representation. Our system of government in America is a system of government by a majority, not by organized minority who can get together and put over one or two members of the council in a city. During the time that they were fighting in Cleveland over the question of proportional representation and getting rid of their charter which gave it to them, I was carefully reading the Cleveland papers, Cleveland only being about 75 miles from my home, and I want to say that I was unable to find anybody who spoke in the papers, or anybody who spoke anywhere, whose speech was repeated in the papers, whom seemed to know anything or understand the principle of proprotional representation. It seems to exist in some parts of Europe where they have these corporative governments, but it certainly is entirely aside and away from our principles of democratic and liberal and free government of the people by the people and for the people in America, and personally I will vote against this resolution.

Mr. THOMPSON. Mr. President, I think if the members of the Senate realized the implication contained in a resolution of this kind, that they would take the attitude of the Senator from Mercer with respect to any measure that provides for proportional representation. As far as I know at the present time, we only have one major political group where the system of voting by proportional representation is in effect today, and that is, in the so-called Republic of Spain. Spain in 1931 adopted this system of proportional representation. The Spanish gov-

ernment has been subjected to a series of continuous revolts ever since the adoption of proportional representation. They have had a series of one revolution after another, and the eyes of the world are fixed upon Spain as the greatest outstanding tragedy in the world today, and I say to you, Mr. President, that the direct factor contributing more than any other one thing to the condition existing in the Spanish government today is the policy of proportional representation, because since the adoption of the system of proportional representation in Spain, no one single political party has been able to attain a majority in the legislative halls of the Spanish government, and I say to you, Mr. President, and to this Senate, that any system of the selection of public officers on a system of proportional representation will lead to a tragedy in democratic government, such as we have existing in the Spanish government today, and it behooves everyone of us who are proud of the system of democratic government in this country to oppose anthing that savors of proportional representation, and I say to you that we should dispose of this immediately, and that we should vote down and unalterably put the stamp of disapproval upon anything that threatens to bring to this country this Spanish system of proportional representation.

The PRESIDENT. Let the Chair say something! Any resolution that gives Rise to debate is one that the Chair is obliged to send it to committee. The motion is to suspend that rule, so that the Chair assumes you may have debate. The Chair is going to rule that you must confine yourself to the motion before the Senate.

Mr. WOLFENDEN. Mr. President, in view of that ruling, if I am violating it, stop me. I just want to make clear one thing in defense of myself. The Senator from Philadelphia evidently accused me of not reading the bill The bill does not make mandatory porportional representation, it simply gives the people of Pittsburgh their inherent right to vote on the question whether or not they want to change their form of government. It is not mandatory.

Mr. President, inasmuch as the Chairman of the Committee has publicly stated here that it is not his intention to pickle this bill, and he has also stated that he has had no requests from any member from Allegheny County to bring it out, and he has intimated that they propose to bring it out, and numerous Senators on the other side have indicated their attitudes, I am taking him at his word that he is not pickling the bill, and I assume that time will tell whether or not that is a political promise—in view of that my motion to suspend the rules so that immediate consideration may be given to the resolution.

The PRESIDENT. The Senator from Indiana, Mr. Wolfender, withdraws his motion to suspend Rule 39, to provide for immediate consideration. Does the seconder withdraw his second?

Mr. SHAPIRO. Mr. President, I withdraw my second.

The PRESIDENT. The motion is withdrawn. In the absence of any further action, the resolution is referred to the Committee on Rules.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1129.

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), That House Bill No. 1129, Printer's No. 514, entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 369.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur) That House Bill No. 369, Printer's No. 509, entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "Second Class City Law," as amended, by reducing the number of newspapers for official advertising.

be recalled from the Governor for the purpose of further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1779

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), That House Bill No. 1779, Printer's No. 795, entitled:

An Act to amend Section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "Insurance Company Law of 1921," to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1712.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), That House Bill No. 1712, Printer's No. 602, entitled:

A Supplement to the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof;" increasing the powers now exercised by the judges of said court; and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 620, entitled:

An Act to authorize cities of the third class, boroughs, and townships to sue out writs of scire facias on certain municipal claims, or to proceed to judgment upon writs of scire facias issued, or to revive judgments on such claims, where more than five years have elapsed since said claims were filed, such writs of scire facias were issued, or such judgments were entered or received, and to reduce such claims to judgment, or to revive such judgment; and providing for the revival and collection of such judgments, and liens thereof.

House Bill No. 744, entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress, approved the twenty-ninth day of June, one thousand nine hundred and thirty-five (Public No. 182-74th Congress).

House Bill No. 958, entitled:

An Act making an appropriatoin to the Department of Forest and Waters for the completion of the dike or river bank protection along the Delaware River at Milford, Pike County, Pennsylvania.

House Bill No. 1284, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

House Bill No. 1297, entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property.

House Bill No. 1464, entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Department of Highways of the Commonwealth; providing for and regulating the procedure in prosecuting claims before such Board; defining the powers of the Board and fixing the compensation of members and employes thereof, providing that the awards of such Board shall be final; providing for the payment of awards and authorizing an appropriation.

House Bill No. 1467, entitled:

An Act to amend section one thousand six hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended; providing for the furnishing of the National Flag Code to certain pupils and for the use thereof.

House Bill No. 1568, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "Insurance Company Law of 1921" by adding thereto sections four hundred and twenty B (420B), four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

House Bill No. 1608, entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act" by further regulating contracts by boroughs.

House Bill No. 1609, entitled:

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act" by further regulating the affairs of boroughs, and revising, amending and changing the law relating thereto.

House Bill No. 1774, entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life, endowment, accident or health insurance.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. There will be a caucus of the Democratic Senators during the recess in the office of the Secretary Room 249.

The Public hearing scheduled for 3 p. m. by the Committee on Highways in the Senate Caucus Room on Senate Bill No. 815, has been postponed until 5 o'clock.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1733

The Clerk of the House of Representatives being introduced presented communications from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1733, entitled:

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by further regulating depositories of funds of counties of the second class, and the rate of interest to be paid by such depositories to such counties.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1802

He also presented communications from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1802, entitled:

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury, and limiting the time within which claims for refunds must be made.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1562

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1562, entitled:

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1406) entitled 'An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 2055

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2055, entitled:

An Act authorizing any county and city in any county in which the county seat is within the limits of such city to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1642

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1642, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1071 ENTITLED:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Comonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

BILLS INTRODUCED

Mr. SONES. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES read in his place and presented to the Chair Senate Bill No. 1263, entitled:

An Act to amend Route Two Hundred and Ninety-eight of section one of an act, approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws nine hundred forty-eight), entitled "An act establishing certain public roads as State highways, and providing for certain construction and maintenance at the expense of the Commonwealth."

Which was committed to the Committee on Highways

Also, read in his place and presented to the Chair Senate Bill No. 1264, entitled:

An Act to amend Route Four Hundred and Eighty-four of Section one of an act, approved the eighth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws one hundred ninety-one), entitled "An act establishing certain public roads at State highways, and providing for the construction and maintenance at the expense of the Commonwealth."

Which was committed to the Committee on Highways.

Mr. THOMPSON. Mr. President, I ask unanimous consent to read bills in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 1265, entitled:

An Act to amend clause (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds rights powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries: the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and ex-

ecutions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended; permitting the assignment, transfer, payment and delivery to a foreign appointed executor, administrator, trustee, guardian, committee or other fiduciary, of any money and moneys and property within this Commonwealth by any debtor, bailee, custodian, agent, attorney, pledges, trustees, fiduciary or other individual, association, partnership or corporation a resident thereof, owing the same to or holding the same in the name or for the account of, a decedent, minor, legal incompetent, or cestui que trust, a nonresident of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 1266, entitled:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen, and to make uniform the law with reference thereto.

Which was committed to the Committee on Judiciary General.

REPORTS FROM COMMITTEES

Mr. THOMPSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON, from the Committee on Appropriations, reported as amended, Senate Bill No. 32, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Mr. HENNEY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HENNEY, from the Committee on State Boards, reported as committed, Senate Bill No. 504 (House Bill No. 915), entitled:

An Act authorizing the Department of Public Instruction to fix the annual expiration date for licenses and registration certificates for professions, trades and occupations.

Mr. SIPE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SIPE from the Committee on Education reported as committed, Senate Bill No. 1146, (House Bill No. 1055), entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as added, prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Public Health reported as committed, Senate Bill No. 842, (House Bill No. 1410), entitled:

An Act relating to the manufacture, repair renovating, cleansing, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

Mr. DIETRICK. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DIETRICK from the Committee on Education reported as committed, Senate Bill No. 1190, (House Bill No. 1186), entitled:

An Act authorizing school districts to make contracts of group life, health and accident insurance for the benefit of pupils in vocational schools, at the expense of the school district; defining the status of the school district and pupils under existing and future insurance laws; and requiring school districts to make certain reports to the Department of Public Instruction.

Mr. DIETRICK from the Committee on Education reported as committed, Senate Bill No. 973, (House Bill No. 1559) entitled:

An Act concerning vocational education; providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress, approved June eighth, one thousand nine hundred and thirty-six, entitled "An act to provide for the further development of vocational education in the several States and Territories;" and conferring powers and imposing duties on the State Treasurer and the State Council of Education.

Mr. PYTKO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO from the Committee on Judiciary General reported as committed, Senate Bill No. 1099, (House Bill No. 1474) entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" suggestion of non-payment and averment of default before or after judgment on scire facias

Mr. KAHLE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KAHLE from the Committee on Forests and Waters reported as committed, Senate Bill No. 1136, entitled:

An Act to provide for the regulation of the building, erection and maintenance of structures in along across over under projecting into or being in streams, lakes and other bodies of water, wholly or partly within or forming part of the boundary of this Commonwealth, providing for permits, fees and charges, conferring powers and imposing duties upon the Water and Power Resources Board.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 639, as follows:

An Act to prevent the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

Section 1 Short Title "Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That "This act shall be known and may be cited as the "Pennsylvania Labor Relations Act"

Section 2 Findings and Policy (a) Under prevailing economic conditions individual employes do not possess full freedom of association or actual liberty of contract Employers in many instances organized in corporate or other forms of ownership associations with the aid of government authority have superior economic power in bargaining with the employes This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners thus (1) creating sweatshops with their attendant dangers to the health peace and morals of the people (2) increasing the disparity between production and consumption and (3) tending to produce and aggravate recurrent business depressions The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collectively bargaining tend to lead to strikes lock-outs and other forms of industrial strife and unrest which are inimical to the public safety and welfare and frequently endanger the public health (b) Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages hours or other working conditions and tends to restore equality of bargaining power between employers and employes

(c) In the interpretation and application of this act and otherwise it is hereby declared to be the public policy of the State to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association self-organization and designation of representatives of their own choosing for the purposes of negotiating the terms and conditions of their employment or other mutual aid or protection free from the interference restraint or coercion of their employers

(d) All the provisions of this act shall be liberally construed for the accomplishment of this purpose

(e) This act shall be deemed an exercise of the police power of the Commonwealth of Pennsylvania for the protection of the public welfare prosperity health and peace of the people of the Commonwealth

Section 3 Definitions When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "person" includes an individual partnership association corporation legal representative trustee trustee in bankruptcy or receiver

(c) The term "employer" includes any person acting directly or indirectly in the interest of an employer but shall not include the United States or the Commonwealth or any political subdivision thereof or any person subject to the jurisdiction of the Federal Railway Labor Act or the National Labor Relations Act as amended from time to time or any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization

(d) The term "employee" shall include any employee of an employer and shall not be limited to the employees of a particular employer unless the Act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment but shall not include any individual employed as an agricultural laborer or in the domestic service of any person in the home of such person or any individual employed by his parent or spouse

(e) The term "representative" includes any individual or labor organization Ito the process of negotiating terms and conditions of employment conducted by employers and employees through their representatives for the purpose of embodying the results of such negotiation in an agreement for a period of time((f) The term "labor organization" means any organization of any kind or any agency or employee representation committee or plan in which employees participate and which exists for the

purpose in whole or in part of dealing with employers concerning grievances labor disputes wages rates of pay hours of employment or conditions of work but shall not include any labor organization which by ritualistic practice constitutional or by-law proscription by tacit agreement among its members or otherwise denies a person or persons membership in its organization on account of race creed or color

(g) The term "unfair labor practice" means only these unfair labor practices listed in Section Six of this Act

(h) The term "labor dispute" includes any controversy concerning (1) terms tenure or conditions of employment or concerning (2) the association or representation of persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employee

(i) The term "Board" means the Pennsylvania Labor Relations Board created by Sectior Four of this Act

(j) The singular shall include the plural and the masculine shall include the feminine and neuter

Section 4 Pennsylvania Labor Relations Board Created

(a) There is hereby created a departmental administrative board in the department to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to as the "Board") which shall be composed of three members who shall be appointed by the Governor but with the advice and consent of two-thirds of all the members of the Senate Each member of the Board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment No member of the Board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States One of the original members shall be appointed for a term of two years one for a term of four years and one for a term of six years but their successors shall be appointed for terms of six years each except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed The Governor shall designate one member to serve as Chairman of the Board

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board and two members of the Board shall at all times constitute a quorum The Board shall have an official seal of which courts shall take judicial notice

(c) The Board shall at the end of every year make a report in writing to the Governor stating in detail the work it has done in hearing and deciding cases and otherwise and it shall sign and report in full an opinion in every case decided by it

(d) Each member of the Board shall receive a salary of nine thousand dollars ($9.000) a year and shall be eligible for re-appointment The employes of the Board shall be appointed by the Secretary of Labor and Industry with the approval of the Governor The Board may establish or use such voluntary and uncompensated services as may from to time be needed

(e) The principal office of the Board shall be in the City of Harrisburg but it may meet and exercise any or all of its powers at any place The Board may by one or more of its members or by such agents as it may designate prosecute in any part of this Commonwealth any inquiry necessary to the performance of its functions A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case

Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation mediation or arbitration (or for statistical work) where such service may be obtained from the Department of Labor and Industry

(f) The Board shall have authority from time to time to make amend and rescind such rules and regulations as may be necessary to carry out the provisions of this act Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe

Section 5 Rights of Employes Employes shall have the right to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 6 Unfair Labor Practices It shall be an unfair labor practice for an employer

(a) To interfere with restrain or coerce employees in the exercise of the rights guaranteed in this act

(b) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it Provided That subject to rules and regulations made and published by the board pursuant to this act an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay

(c) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization Provided That nothing in this act or in any agreement approved or prescribed thereunder or in any other statute of this Commonwealth shall preclude an employer from making an agreement with a labor organization (not established maintained or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein if such labor organization is the representative of the employees as provided in section seven of this act in the appropriate collective bargaining unit covered by such agreement when made

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act

(e) To refuse to bargain collectively with the representatives of his employees subject to the provisions of section seven of this act

Section 7 Representatives and Elections (a) Representatives designated or selected for the purpose of collective bargaining by the majority of the employes in a unit appropriate for such purposes shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay wages hours of employment or other conditions of employment Provided That any individual employee or a group of employees shall have the right at any time to present grievances to their employer

(b) The Board shall decide in each case whether in order to insure to employees the full benefit of their right to self-organization and to collective bargaining and otherwise to effectuate the policies of this Act the unit appropriate for the purposes of collective bargaining shall be the employer unit craft unit plant unit or subdivision thereof

(c) Whenever a question arises concerning the representation of employees the Board may investigate such controversy and certify to the parties in writing the name or names of the representatives who have been designated or selected In any such investigation the Board shall provide for an appropriate hearing upon due notice either in conjunction with a proceeding under Section Eight or otherwise and may take a secret ballot of employees or utilize any other suitable method to ascertain such representatives

(d) Whenever an order of the Board made pursuant to Section Eight subsection (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections (a) or (b) of Section Nine and thereupon the decree of the court enforcing modifying or setting aside in whole or in part the order of the Board shall be made and entered upon the pleading testimony and proceedings set forth in such transcript

Section 8 Prevention of Unfair Labor Practices (a)

The Board is empowered as hereinafter provided to prevent any person from engaging in any unfair labor practice listed in section six of this act This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that have been or may be established by agreement law or otherwise

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice the Board or any member or designated agent thereof shall have authority to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Board or any member or designated agent thereof at a place therein fixed not less than five days after the serving of said complaint Any such complaint may be amended by the Board member or agent conducting the hearing at any time prior to the issuance of an order based thereon The person so complained of shall have the right to file an answer to the original or amended complaint not less than five days after the service of such original and amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint In the discretion of a member or agent conducting the hearing or of the Board any other person may be allowed to intervene in the said proceeding and to present testimony In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling

(c) The testimony taken at the hearing shall be reduced in writing and filed with the Board The Board upon notice may take further testimony or hear argument If upon all the testimony taken the Board shall determine that any person named in the complaint has engaged in or is engaging in any such unfair labor practice the Board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action including reinstatement of employes with or without back pay as will effecutate the policies of this Act Such order may further require such person to make reports from time to time showing the extent to which the order has been complied with If upon all the testimony the Board shall be of the opinion that the person or persons named in the complaint has not engaged in or is not engaging in any such unfair labor practice then the Board shall make its findings of fact and shall issue an order dismissing the complaint

(d) Until a transcript of the record in a case shall have been filed in a court as hereinafter provided the Board may at any time upon reasonable notice and in such manner at it shall deem proper modify or set aside in whole or in part any finding or order made or issued by it

Section 9 Judicial Review (a) The Board shall have power to petition the Court of Common Pleas of any county wherein the unfair labor practice in question occurred or wherein any person charged with the commission of any unfair labor practice resides or transacts business for the enforcement of such order and for appropriate temporary relief or restraining order and shall certify and file in the court a transcript of the entire record in the proceeding including the pleadings and testimony upon which such order was entered and the findings and order of the Board Upon such filing the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings testimony and proceedings set forth in such transcript a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board No objection that has not been urged before the Board its members or agent shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances The findings of the Board as to the facts if supported by evidence shall be conclusive If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearing before the Board its members or agent the court may order such additional evidence to be taken before the Board its members or agent and to be made a part of the transcript The Board may modify its findings as to the facts or make new findings by reason of additional evidence so taken and filed and it shall file such modied or new findings which if supported by evidence shall be conclusive and shall file its recommendations if any for the modification or setting aside of its original order The jurisdiction of the Court of Common Pleas shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court on appeal by either party irrespective of the nature of the decree or judgment or the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme Court and the record so certified shall contain all that was before the Court of Common Pleas

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the Court of Common Pleas of any county where the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Board be modified or set aside A copy of such petition shall be forthwith served upon the Board and the Board shall file in the court a transcript of the entire record in the proceeding certified by the Board including the pleadings and testimony and order of the Board Upon such filing the court shall proceed in the same manner as in the case of an application by the Board under subsection (a) and shall have the same exculsive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper and in like manner to make and enter a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board and the findings of the Board as to the facts if supported by evidence shall in like manner be conclusive

(c) The commencement of proceedings under subsection (a) or (b) of this section shall not unless specifically ordered by the court operate as a stay of the Board's order

(d) When granting appropriate temporary relief or a restraining order or making and entering a decree enforcing modifying as so modified or setting aside in whole or in part an order of the Board as provided in this section the jurisdiction of courts sitting in equity shall not be limited by acts pertaining to equity jurisdiction of courts The Act of June twenty-third one thousand nine hundred and thirty-one (P. L. 925) entitled "An act defining the rights of persons accused of contempt of Court arising out of violation of injunctions limiting eligibility of judges in such cases and prescribing procedure and penalties" shall not be applicable to orders of the Board or to court orders enforcing orders of the Board or any provision of this Act or to violations of any order of the Board or of court orders enforcing orders of the Board or any provisions of this Act

(e) Petitions filed under this Act shall be heard expeditiously and if possible within ten days after they have been docketed

Section 10 Investigatory Powers For the purpose of all hearings and investigations which in the opinion of the Board are necessary and proper for the exercise of the powers vested in it by Sections seven and eight

(a) The Board or its duly authorized agents shall at all reasonable times have access to for the purpose of examination and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question Any member of the Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Board its members or agent conducting the hearing or

investigation Any member of the Board or any agent designated by the Board for such purposes may administer oaths and affirmations examine witnesses and receive evidence

(b) If any witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the Board or its members or agent conducting the hearing or investigation his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the Board or its members or agent conducting the hearing may by special order or general rule prescribe

(c) In case of contumacy or refusal to obey a subpoena issued to any person the Court of Common Pleas of any county within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board its members or agent there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question and any failure to obey such order of the court may be punished by said court as a contempt thereof

(d) No person shall be excused from attending and testifying or from producing books records correspondence documents or other evidence in obedience to the subpoena of the Board on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he is compelled after having claimed his privilege against self-incrimination to testify or produce evidence except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying

(e) Complaints orders and other process and papers of the Board its members or agent may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same Witnesses summoned before the Board its members or agent shall be paid the same fees and mileage that are paid witnesses in the courts of this Commonwealth and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this Commonwealth

(f) All process of any court to which application may be made under this Act may be served in the county wherein the defendant or other person required to be served resides or may be found

(g) The several departments commissions divisions authorities boards bureaus agencies and offices of the Commonwealth or any political subdivision or agency thereof shall furnish the Board upon its request all records papers and information in their possession relating to any matter before the Board

Section 11 Penalties Any person who shall wilfully resist prevent impede or interfere with any member of the Board or any of its agents in the performance of duties pursuant to this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five thousand dollars ($5000) or by imprisonment for not more than one year or both

Section 12 Repealer All Acts or parts of acts whether special or local inconsistent herewith are hereby repealed

Section 13 Limitations Nothing in this Act shall be construed so as to interfere with impede or diminish in any way the rights of employes to strike

Section 14 Separability If any clause sentence paragraph or part of this Act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this Act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this Act would have been adopted had such invalid provisions not been included

Section 15 Effective Date This Act shall take effect immediately upon its final enactment

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—13

Bean,	Ealy,	Mallery,	Salus,
Buckman,	Gelder,	Owlett,	Scarlett.
Chapman,	Homsher,	Pierson,	Wolfenden,
Deitrick,			

NAYS—35

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Howell,	McCreesh,	Ruth.
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Mundy,	Sipe.
Eroe,	Jaspan,	Pytko,	Sones.
Frey,	Kahle,	Rankin,	Stiefel.
Gilson,	Kilgallen,	Reed,	Thompson,
Haluska,	Kunkel,	Rice,	Woodward.
Henney,	Lanius,	Rodgers,	

A majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 756, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulaiton of insurance agents and brokers the service of legal process upon foreign insurance

companies associations or exchanges providing penalties and repealing existing laws" be amended by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority so that the amended section will read as follows

Section 209 Penalty for Acting Without Certificate of Authority Any insurance company association or exchange doing an insurance business within this Commonwealth without a certificate of authority as required by this act shall forfeit and pay to the Commonwealth the sum of five hundred dollars for each month or fraction thereof in which such illegal business was transacted

Any person negotiating or soliciting any policy of insurance or suretyship in this Commonwealth collecting or forwarding premiums or delivering policies for any company association or exchange to which a certificate of authority has not been granted shall be deemed to be the agent of the company association or exchange in any legal proceeding brought against it

Section 209A Penalty For Exceeding Powers Granted Under Certificate of Authority Any insurance company association or exchange doing an insurance business within this Commonwealth that shall exceed the powers granted under a certificate of authority shall forfeit and pay to the Commonwealth a sum of not more than five hundred dollars ($500) for each and every policy issued in violation of this section Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the company association or exchange accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten (10) days thereafter when a hearing of the matter shall be held After such hearing or failure of theaccused to appear at such hearing the Insurance Commissioner shall impose such penalty as he deems advisable.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
Dent,	Huffman,	Owlett,	Sones,
DiSilvestro,	Jacobs,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,
Gelder,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 467 (House Bill No. 916), as follows:

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax' " is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cities of the first class on or before the [thirteenth] thirtieth day of December one thousand nine hundred and thirty-seven and [quadrennially] on or before the thirtieth day of December of each year thereafter the Auditor General [and the city treasurer] shall appoint five suitable qualified citizens as mercantile appraisers for [terms of four years each] the succeeding year Not all of said appraisers shall be members of the same political party The powers duties and compensation of said appraisers shall be as now provided by law

Section 2 The terms of mercantile appraisers in cities of the first class in office immediately prior to the thirtieth day of December one thousand nine hundred thirty-seven are hereby terminated as of that date

which was returned from the House of Representatives with amendments,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution ,and were as follows, viz:

YEAS—2

Bean,	Deitrick,

NAYS—45

Buckman,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	Mallery,	Rupp,
Chapman,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Scarlett,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gelder,	Kunkel,	Reed,	Wolfenden,
Gilson,	Lanius,	Rice,	Woodward,
Haluska,			

A majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 903 (House Bill No. 1043), as follows:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) en-

titled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation as amended by imposing annual taxes for State purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended is hereby re-enacted amended or further amended as the case may be to read as follows

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section heading shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exemptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State [purposes] purposes at the rate of [four] four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all ground rents all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section [eighteen] seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution [building and loan association] corporation or limited partnership liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] and the principal value of all annuities [yielding annually over two hundred dollars ($200.00)] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employes thrift or saving association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four] four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four] four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said saving institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint stock associations liable to [tax on capital stock] a tax on their shares or a capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax

under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated [hereafter] received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possesed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning [such property] each of the different classes of property whether or not taxable enumerated in the third section of this act owned held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The Department shall on or before the fifteenth day of January one thousand nine hundred [thirty-seven] thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and [assessed] returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 [Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the amount of the tax due Any resident against whom an estimated assessment is made who shall fail or refuse to file a return and compute and pay the tax interest and penalty in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a re-assessment and in any suit for the collection of a tax so assessed shall not be permitted to set up a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter of defense whatsoever If any resident shall file a return before an estimated assessment is made but not within the time required by this act such resident at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the tax due

Section 7 Additional] Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property

made taxable by the third section of this act or shall fail to compute and pay the tax [thereon] due the Commonwealth as required in this act the department shall make an [additional] assessment of tax against such resident [on] of the amount of [such omitted property] tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such [additional assessment] tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the [additional] assessment so made he may petition for a re-assessment in the manner hereinafter provided

Section [8] 7 Assessments Made at any Time within Five Years An [additional assessment or estimated] assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous [additional or estimated] assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section [9] 8 Petition for Re-assessment Appeal (a) Any resident against whom an [additional] assessment is made may petition the department for a re-assessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such [additional] assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings [in each county] as may be necessary to hear and determine petitions for re-assessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for re-assessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the [additional] assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for re-assessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for re-assessment he shall have the right to appeal to the court of common pleas of the [proper] county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for re-assessment and to file a petition for re-assessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid in all cases of petitions for re-assessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section [10] 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest [and penalties] as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit the date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgage or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgage and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgages assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgage assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section [11] Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and

shall be applied in like manner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.-00) per annum

Section 11 Due Date All taxes [whether a report is filed as herein required or whether an estimated or additional assessment is made by the department] imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section [13] 12 Interest. The tax imposed by the third section of this act shall bear interest at the rate of [twelve] six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section [14] 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be unlawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section [15] 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth [and] to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section [16] 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fradulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section [ten] nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section [ten] nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section [ten] nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section [17] 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any return investigations hearings or verifications required or authorized by this act and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section [18] 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All script bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value

thereof during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine on reports filed for the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred forty and every year thereafter on reports filed for the calendar years one thousand nine hundred thirty-nine (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-nine) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all script bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred [thirty-six] thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred [thirty-five] thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-five] thirty-seven) and for every year thereafter [at the rate of one mill on each dollar of the nominal value thereof and during the calendar year one thousand nine hundred thirty-seven on reports filed for the calendar year one thousand nine hundred thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred thirty-six at the rate of four mills on each dollar of the nominal value thereof which tax shall be in addition to the tax imposed for section seventeen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) and its amendments or supplements] Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four mills] tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the [four mills] tax imposed herein on any of [the said] such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shal be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

[Section 19 Collection of Taxes The tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax imposed for State purposes upon such obligations by section seventeen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred eleven) and its amendments or supplements it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act]

Section 18 Reports and Payment of the State Tax by Private Corporations and Municipalities (a) It shall be he duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except non-profit corporations and co-op-

erative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bond certificate or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificites or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations

All moneys paid into the State Treasury from taxes for the first year for which a tax is imposed by the provisions of this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the second year this act is in effect shall be credited to the General Fund

Section [20] 19 Disposition of Tax Interest Fees Fines Forfeitures and Penalties All taxes and interest that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department

Section [21] 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section [22] 20 [Effect on Other Acts of Assembly Nothing contained in this act shall be deemed to repeal or modify the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments or supplements The taxes imposed by this act shall be in addition to all other taxes which are now or hereafter imposed by law] Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Sections seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and their amendments are hereby repealed

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section [23] 21 Effective Date This act shall become effective immediately upon its final enactment and [shall remain] be in force for the assessment and collection of taxes under section three of this act for the calendar [years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the value thereof] years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine and for the collection of taxes under section [eighteen] seventeen of this act [during the calendar years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the nominal value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the nominal value thereof on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six] for the calendar [year one thousand nine hundred thirty-eight on reports filed] year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven) and for every year thereafter

Section 2 This act shall become effective immediately upon its final enactment

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. HUFFMAN. Mr. President, this is the eight-mill Personal Property tax which was attacked the other evening by the Senator from Tioga, Mr. Owlett, because an amendment had been placed in the title of the bill in the House, and since that time a good deal of attention has

been given to it to find out the sentiment, and I cannot see why there is an objection to the amendment placed in it by the House. It simply strikes out an unnecessary amendment which we inserted here in the Senate.

This is a re-enactment of the Act of 1936 and it does not require any amendment to be placed in the title. (I want to quote what Mr. Fertig has said about that:) "The amendments of 1937 to the Personal Property tax act of 1936 do not tax equitable interests, and, therefore, notice of such a tax would be erroneous. Equitable interests were taxed in 1936 and their levy dates after its re-enactment," and that is the bill we are re-enacting, and I ask the Senate to vote "aye" on this concurrence.

Mr. OWLETT. Mr. President, I have seen the letter referred to by the Senator from Monroe, Mr. Huffman, and I want to call the Senator's attention to that phase of the situation that is covered by that letter. This Act is an amendment to the Act of 1935, and he quotes the title as it existed in the act when it was passed in 1935, but he does not quote the amended title as it was amended in 1936; this indicated the amendment to the Act of 1935. Now, I agree that there may be a close question as to whether you have to cite the amended title. When citing the amended act there certainly can be no harm in so stating, because when we changed the act in 1936, we amended it to read "a tax imposing a state tax on the value of certain equitable interests." In other words, when we passed the amendment in 1936 to the act of 1935, we so amended it to give notice in the title that we were imposing a tax on the value of certain equitable interests, and as we are passing this amendment now to the act of 1935 we are not giving that notice, and I ask the members of the Senate to non-concur in the amendments.

Mr. WOODWARD. Mr. President, is it out of order to speak on the merits of the bill?

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, may speak on the amendments and on the bill itself.

Mr. WOODWARD. Mr. President, I never like to neglect an opportunity to talk on this tax. This is the eight-mill personal property tax, and I always want to register myself against this tax, because it is a tax on principal and not on interest, and I follow the views of my predecessor, Cato, the Roman Senator, when he said, on all occasions, "Carthage must be destroyed," and in a short address I want to say that this tax on personal property must be destroyed sooner or later.

And the question recurring,

Will the Senate concur on the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Henney,	Law,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Rodgers,	

NAYS—16

Bean,	Ealy,	Howell,	Salus,
Buckman,	Gelder,	Mallery,	Scarlett,
Chapman,	Heyburn,	Owlett,	Wolfenden,
Deitrick,	Homsher,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 655 (House Bill No. 228), as follows:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as the "Store and Theatre Tax Act"

Section 2 Definitions The following words terms and phases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Person" Every natural person association corporation receiver or assignee

"Store" any place of business or any mercantile establishment in which or from which tangible personal property of any kind is sold Provided however That the term "store" as and when used in this act shall not include places of business commonly known as newstands and warehouses or establishments at which the sole business conducted is that of selling storing or distributing commodities in bulk

"Theatre" any building or place for the production of theatrical entertainment including opera drama comedy vaudeville motion pictures or other shows or a combination thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 License It shall be unlawful for any person to open establish operate maintain or control any store or theatre in this Commonwealth without first having obtained and having in possession a valid license so to do from the department as hereinafter provided but each person engaged in the operation maintenance or control of such a store or theatre on the effective date of this act shall have sixty (60) days within which to obtain the first license for each such store or theatre operated maintained or controlled by him A separate license shall be procured for each store or theatre Licenses issued under this act may not be transferred or assigned Each licensee shall display each license so issued in a conspicuous place in the store or theatre for which such license is issued The licenses issued under the provisions of this act shall be annual licenses effective from June first of one year until and including May thirty-first of the year following The first licenses shall be required for the year commencing June first one thousand nine hundred and thirty-seven

Section 4 Application for License Any person desiring to open establish operate maintain or control such a store or theater in this Commonwealth shall apply to the department for a license so to do before the first day of June of each year except as otherwise provided in section three hereof as to the first license The application

for license shall be made on a form prescribed and furnished by the department and shall set forth the name of the person desiring such license the name and location of the store or theatre for which the license is desired and such other information as the department may require Each such application shall be accompanied by the proper license tax as hereinafter prescribed in this act and upon receiving the prescribed fee the department shall issue said license

Section 5 License Taxes Every person opening establishing operating maintaining or controlling one or more stores or theatres within the Commonwealth under the same general management supervision or ownership shall pay an annual license tax for the privilege of opening establishing operating maintaining or controlling such store or stores or theatre or theatres as follows

(1) Upon one store or theatre the sum of one dollar ($1.00)

(2) Upon each store or theatre in excess of one but not to exceed five stores or theatres the sum of five dollars ($5.00) for each such additional store or theatre

(3) Upon each store or theatre in excess of five but not to exceed ten stores or theatres the sum of ten dollars ($10.00) for each such additional store or theatre

(4) Upon each store or theatre in excess of ten but not to exceed fifteen stores or theatres the sum of twenty dollars ($20.00) for each such additional store or theatre

(5) Upon each store or theatre in excess of fifteen but not to exceed twenty stores or theatres the sum of thirty dollars ($30.00) for each such additional store or theatre

(6) Upon each store or theatre in excess of twenty but not to exceed thirty stores or theatres the sum of fifty dollars ($50.00) for each such additional store or theatre

(7) Upon each store or theatre in excess of thirty but not to exceed fifty stores or theatres the sum of one hundred dollars ($100.00) for each such additional store or theatre

(8) Upon each store or theatre in excess of fifty but not to exceed seventy-five stores or theatres the sum of two hundred dollars ($200.00) for each such additional store or theatre

(9) Upon each store or theatre in excess of seventy-five but not to exceed one hundred stores or theatres the sum of two hundred and fifty dollars ($250.00) for each such additional store or theatre

(10) Upon each store or theatre in excess of one hundred but not to exceed two hundred stores or theatres the sum of three hundred and fifty dollars ($350.00) for each such additional store or theatre

(11) Upon each store or theatre in excess of two hundred but not to exceed five hundred store or theatres the sum of four hundred and fifty dollars ($450.00) for each such additional store or theatre

(12) Upon each store or theatre in excess of five hundred stores or theatres the sum of five hundred dollars ($500.00) for each such additional store or theatre

Section 6 Ownership Two or more stores or theatres shall for the purpose of this act be considered under the same general management supervision or ownership if directly or indirectly controlled by a single person or any group of persons having a common interest in such stores or theatres or if any part of the gross revenues net revenues or profits from any such stores or theatres shall directly or indirectly be required to be immediately or ultimately made available as rental or in any other manner whatsoever for the beneficial use or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein

Section 7 Penalty Any person operating maintaining or controlling a store or theatre without a license as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined no less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution each and every day that such violation shall continue shall constitute a separate and distinct offense

Section 8 Examination of Records Penalty The department or any duly authorized agent thereof shall have the power to examine the books records papers and files within or without the Commonwealth of any person operating maintaining or controlling a store or theatre within this Commonwealth It shall have the power to examine witnesses under oath to verify the accuracy of any application or to ascertain whether or not any license tax is due which has not been paid Any person refusing to allow an examination of his books records papers and files as herein provided or who refuses to furnish the department with any information requested shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each such refusal shall be deemed a separate offense

Section 9 Disposition of Tax and Fines All taxes and fines received collected or recovered under this act shall be paid into the State Treasury through the department and except as hereinafter otherwise provided shall be credited to the State School Fund Provided however That out of the revenues derived under the provisions of this act the Department of Revenue shall during the fiscal biennium beginning the first day of June one thousand nine hundred and thirty-seven pay into the General Fund the sum of one hundred fifty-one thousand five hundred and seventeen dollars ($151,517.00) and the said sum so paid into the General Fund is hereby appropriated to the Department of Revenue for the purpose of administering this act

Section 10 License Tax in Addition to Existing Taxes The license tax imposed by this act shall be in addition to any taxes now imposed or that may subsequently be imposed by law

Section 11 Constitutionality If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It it hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 12 Effective Date This act shall become effective immediately upon final enactment

And the question recurring,

Shall the bill pass finally?

Mr. JACOBS. Mr. President, for the purpose of the record, before voting on this bill, I want to state the reason for my vote. It is my personal contention that this is not a good pass. I believe the tax will be paid by the consuming public, by that group of people who are less able to pay it, and I, and I continue to believe it today, despite the Governors' speech on the radio. I intended to vote against this bill, but since the Governor made that speech there has been flood of communications containing the personal views of people in my district favoring this bill, and I feel that the people in my districts favor the Chain Store Tax, and I believe it the duty of every Legislator to represent the people of his district, and with that idea in mind, when this bill comes up for vote, I am going to vote "aye" on this bill.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator, from Philadelphia, Mr. Shapiro, if it is not a fact that he expressed the opinion yesterday that this act, as drawn prior to the amendments, taxes places of business selling tickets?

Mr. SHAPIRO. Mr. President, I have not expressed that opinion. I said that a construction might be placed on it that if taxes places of business within this act.

Mr. OWLETT. Mr. President, from the discussion yesterday, I think we all understand that the bill is designed to penalize certain business, and not the purpose of imposing the penalty as to include bus and railroad stations that sell tickets, that is, we all appreciate the fact that a bus station and a railroad station could not be expected to pay a chain store tax and that they would have to sell tickets in one place only to avoid this tax.

MOTION TO RECOMMIT BILL

Mr. President, I therefore move that the vote by which this bill passed Third Reading be reconsidered for the purpose of offering an amendment including railroad stations, railroad cars and bus offices.

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, I trust the Senator will vote down this motion. This bill has been thoroughly considered, and if you will permit this bill to be amended as suggested here, all classes of people will come here to further amend the bill. I am just as much interested in protecting railroad and other interests in Pennsylvania as any reasonable man can be, but I do not believe that this amendment in the bill affects railroad stations, railroad ticket offices, or bus stations, or any other offices that sell tickets. The very fact that we amended the bill as we did the other day, is in favor of our position; it outlines certain classes of ticket sellers, if you please, to distinguish them from other ticket sellers, and this is in favor of the bill, and I trust you will vote down this motion.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Monroe, Mr. Huffman, if I am mistaken in his statement, that if he does not agree with the able Senator from Philadelphia, Mr. Chapiro, in the interruption of the Act.

Mr. HUFFMAN. Mr. President, I am not concerned about the interruption the Senator from Philadelphia, Mr. Shapiro, may have, and I might say that I do not believe in any of the arguments that have been made by the Senator from Tioga, on this bill, and I also say that the bill should be further amended.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Monroe, Mr. Huffman if it is his understanding that this bill does not tax places selling tickets.

Mr. HUFFMAN. Mr. President, I think it will tax theatre offices.

Mr. OWLETT. Mr. President, may I suggest to the Senator from Monroe, Mr. Huffman, that it taxes theatre offices selling tickets because that was specifically put in the bill, but I am asking if it taxes other ticket offices.

Mr. HUFFMAN. Mr. President, I do not think so.

Mr. OWLETT. Mr. President, then, may I ask why the Senator objects to amending this act to make it clear that it does not tax all ticket offices and if it is his interpretation that it does not intend to tax them.

Mr. HUFFMAN. Mr. President, for the obvious reason that the Senator from Tioga, Mr. Owlett, is not for the bill amended or unamended, and, therefore, I believe it is entirely intended to complicate the bill.

Mr. OWLETT. Mr. President, may I, in reply to the Senator from Monroe, state that in view of the discussion on this floor yesterday, and in the House recently, and vociferously maintained by a number of Senators, that this bill will tax theatres without bringing it in the terms of this Act merely because they sell tickets, and the Act provides that a place of business is anything that sells personal property, and a ticket has been held to be personal property, it was seriously contended by the Democratic Members of this Senate yesterday that theatres were clearly within the Act. Then we put that in to be sure. Now, we come here with this amendment to make it clear that it does not tax the other kind of ticket offices, which they all say are excluded, and they are objecting to this amendment.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. BUCKMAN. Mr. President, the Senator from Monroe, Mr. Huffman in his statement covered a question relating to bus ticket offices, but he did not cover the question of railroad dining cars. I would like to ask the Senator if it is his interpretation that this bill will impose a tax on the dining cars of railroad companies?

Mr. HUFFMAN. Mr. President, well, I am not here to answer for the Supreme Court. A great may questions can be raised against this bill, but I think a reasonable interpretation would be that the court would say that the items enacted into the bill would be taxed and no others.

Mr. BUCKMAN. Mr. President, do I understand the Senator to say in reply to my interrogation that dining cars are included or not included in the bill?

Mr. HUFFMAN. Mr. President, I do not think they are included.

Mr. BUCKMAN. Mr. President, may I ask the Senator why he would object to a clarifying amendment in order that there may be no question on the subject.

Mr. HUFFMAN. Mr. President, I think I answered that question in trying to reply to the Senator from Tioga. We think this bill is in good condition to take care of the stores and businesses enacted in the bill and it does not include other businesses, and we do not want to complicate it by further amendment

Mr. BUCKMAN. Mr. President, may I ask the Senator if we are going to have the House concur in these amendments made by the Senate?

Mr. HUFFMAN. Mr. President, that would be largely up to the House, I take it.

Mr. THOMPSON. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will be very glad to.

Mr. THOMPSON. Mr. President, will the Senator from Tioga state whether or not the purpose of this amendment is to put the bill in such shape so that he can vote for it?

Mr. OWLETT. Mr. President, in reply to the Senator from Centre, Mr. Thompson, I wish to state that I understand this bill is going through, but it is not going through with my vote no matter what amendments are going to put in, but I appreciate the fact that it is going through because the Governor has ordered it to go through, it is on the 'must' list, and, of course, it will go through, but that does not prevent us from putting it in as good shape as possible.

Mr. THOMPSON. Mr. President, in view of the remarks of the Senator from Tioga, Mr. Owlett, that he will vote against the bill any way, I cannot see why he is so much concerned in these amendments.

Mr OWLETT. Mr. President, may I interrogate the Senator from Centre, Mr. Thompson?

The PRESIDENT. Will the Senator from Centre, Mr. Thompson permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Centre, Mr. Thompson, whether the Governor's orders included the taxing of theatres as well as food stores, so that it will go through the House. I am interested in knowing whether making theater tickets taxable, as well as food stores will go through the House.

Mr. THOMPSON. Mr. President, in answer to the Senator from Tioga, Mr. Owlett, I would say that I have received no orders in connection with this bill except the expression of the opinion of my constituents. I am not interested in knowing, Mr. President, whether the amendments made yesterday making theatres taxable will go through the House.

Mr. CAVALCANTE. Mr. President, I would like to get a few words in here. I am inclined to feel, from some of the remarks made here, that a sensible person will arrive at the conclusion that only an ass would make some of the statements that have already been made. If any of us are taking advice from the Governor of this State in respect to certain important measures, I am proud to say that we are dealing with an honorable and decent man who received the approval of this Commonwealth to be their chief executive. As to whether railroad companies are included, the Members who have spoken so far on this bill have overlooked the distinction that exists between the Public Utility Commission and any other kind of a corporation. The Chain theatres included in this bill are not public utilities, where the dining cars, of railroads, and their station where they sell tickets are part of their public utility system, and most of them are governed by interstate laws, and the body of law that applies to them, applies to them specifically, and this bill under no possible construction can be made to include a dining car that is probably put on a train in the City of New York and then taken off at Altoona, or Harrisburg, or some place else.

This is a very good bill. We are about to correct an evil that has existed for a long time We are about to come to the rescue of a portion of our citizenship that has suffered considerably in this last depression, and I refer to the independent merchants of our State, the man and women who owns his or her own little property in which they have stores, and own homes and real estate in this Commonwealth. During the depression these local business men and women who know their neighbors and their families and who did not let them starve because their neighbors did not have any money, but the local business extended thousands and thousands of dollars of credit to his neighbor in order that he might live and that his family might continue, while the Chain Store stood at the corner, and the only way they dealt was when you went there and laid down cash. They extended no credit to the suffering and needy of our State and Nation, and I think that now the time has arrived when we are about to pay a slight debt to the citizens of our State who helped us to maintain our fellow citizens in time of great need, and we should not hear, by amendments that mean nothing, and by frivolous arguments try to embarrass this bill and try to impede its progress any longer through this Assembly.

Mr. BUCKMAN. Mr. President, I did not intend to speak on this bill until the Senator from Fayette, Mr. Cavalcante, came to the defense of the independent merchant. I would like to serve the independent merchant just as much as he would and as long as he wants to be served, and it so happens that only yesterday at the City of York there was a resolution passed by the Pennsylvania Retail Grocer's Association, and I was furnished with a copy of this resolution which is as follows:

"Whereas, House Bill No 228, known as the Store Tax Bill, will if it becomes a law, endanger the continued existence of cooperative wholesale food distributors owned and operated by retail grocers.

"Therefore, be it resolved, that the Pennsylvania Retail Grocers' Association, in 41st Annual Convention, assembled at Yorktowne Hotel, York, Pennsylvania, May 10 and 11, 1937, said Pennsylvania Retail Grocers' Association representing approximately 9,000 individual retail grocers in the State of Pennsylvania, does hereby emphatically protest against the passage of this bill as being a calamity to both the grocers and consumers in our State."

"CHARLES H. VON TAGEN,
SECRETARY, PENNSYLVANIA RETAIL
GROCERS' ASSOCIATION."

Mr. President, that is the attitude of the retail grocers in regard to this bill.

Mr. WOODWARD. Mr. President, I would like to ask whether we are discussing the bill or the amendments offered by the Senator from Tioga.

The PRESIDENT. The Senator may discuss the entire bill or any of the amendments.

Mr. WOODWARD. Mr. President, I have only a few words to say. This bill and the preceding bill emphasizes the necessity of a personal income tax in this State for obvious reasons. I am opposed to this bill for another reason; it raises the cost of living. This is a punitive measure and if you will look at the State taxes of Pennsylvania, I think you will find very few taxes that are enacted in the spirit of punishment of a certain class of people. I have been brought up on the phrase "the power to tax is the power to destroy".' I think this bill is bad in principle.

Mr. MALLERY. Mr. President, I have a serious apprehension as to what effect this bill will have on the food prices to the consuming public. This bill, like every other bill in the Senate, should always be given serious consideration. Originally the bill provided that the funds derived therefrom should go to increasing the salaries of school teachers in fourth-class school districts. I am constrained to give my vote to the measure for the reason that while that provision of the bill is stricken out, there is a bill in the House which will provide for the increase in the salaries of those school teachers and the only way this ever will be made at this legislature to make the bill effective will be the enactment of this measure. There is this that occurs to me, that this bill is in a sense a punitive measure, and I believe that the individual merchant would be better served or better helped

if a bill defining what is an unfair practice were enacted, I am interested in the individual merchant, and if this bill will help him, and which I seriously doubt that it will, I intend to vote for it.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, with pleasure.

Mr. THOMPSON. Mr. President, will the Senator from Bucks Mr. Buckman, inform us who furnished him a copy of the resolution passed yesterday by the organization that met in York?

Mr. BUCKMAN. Mr. President, I am sorry that I cannot give the name to the Senator; there was some man here yesterday afternoon who had probably taken an aeroplane from York, in order to get here before we passed this bill, and he handed me a copy of this resolution, and he said he was sent up here yesterday afternoon in order to get it to us before the bill was passed. I do not know the name of the gentlemen.

Mr. THOMPSON. Mr. President, will the Senator from Bucks kindly state whether or not it is a fact that this resolution was furnished by Mr. Francis Biddle, attorney for the chain stores?

Mr. BUCKMAN. Mr. President, Mr. Biddle gave me a copy but it was not the first copy I received. Mr. Biddle gave be a copy, but I also had one yesterday afternoon and incidentally, I understand that it is also a fact that Mr. Biddle is one of the leading Democrats in the State.

Mr. THOMPSON. Mr. President, will the Senator from Bucks, Mr. Buckman, kindly state whether or not this organization who passed this resolution is just another form of chain organization, and not strictly the real independent grocers of the State?

Mr. BUCKMAN. Mr. President, I am afraid I do not have sufficient knowledge to fully answer the Senator from Centre, but I take it that they are a real organization, the Pennsylvania Retail Grocers' Association. I know they have been around these halls for a good many years. I recall that in years gone by they were very strongly organized in support of a bill allowing garnisheeing wages for the payment of store bills. They seemed to be organized at that time and I have no doubt that they are organized just as well today.

Mr. WOODWARD. Mr. President, I do not want to embarrase my colleague, Senator Pytko, but I wish to say that when a man arrived in haste from York yesterday I tried to grab Senator Pytko and he said "I met the gentleman". And if the Senator from Centre does not know it, he can refresh the Senator from Centre as to whether he was a genuine article or not.

Mr. CAVALCANTE. Mr. President, in view of the accusations made here several nights ago that I received lobbyists of the chain stores, I resent anybody cutting in on me.

Mr. LAW. Mr. President, I rise to a question of parlimentary inquiry.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his question of parlimentary inquiry.

Mr. LAW. Mr. President, are we voting on the bill or are we voting on the motion to reconsider the vote by which it passed third reading?

The PRESIDENT. The motion is to reconsider the vote by which it passed third reading.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and Mr. BUCKMAN and were as follows, viz:

YEAS—14

Bean,	Ealy,	Mallery,	Salus,
Buckman,	Gelder,	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Woodward,
Deitrick,	Howell,		

NAYS—32

Cavalcante,	Henney,	Lanius,	Rupp,
Dando,	Heyburn,	Law,	Ruth,
Dent,	Huffman,	McCreesh,	Shapiro,
DiSilvestro,	Jacobs,	McGinnis,	Sipe,
Eroe,	Jaspan,	Pytko,	Sones,
Frey,	Kahle,	Rankin,	Stiefel,
Gilson,	Kilgallen,	Reed,	Thompson,
Haluska,	Kunkel,	Rodgers,	Wolfenden,

So the question was determined in the negative, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Heyburn,	Law	Rodgers,
Dando,	Huffman,	Mallery,	Rupp,
Dent,	Jacobs,	McCreesh,	Ruth,
DiSilvestro,	Jaspan,	McGinnis,	Shapiro,
Eroe,	Kahle,	Mundy,	Sipe,
Frey,	Kilgallen,	Pytko,	Stiefel,
Gilson,	Kunkel,	Rankin,	Thompson,
Haluska,	Lanius,	Reed	Wolfenden,
Henney,			

NAYS—14

Bean,	Ealy,	Owlett,	Scarlett,
Buckman,	Gelder,	Pierson,	Sones,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 715 (House Bill No. 1032), on final passage, entitled:

An Act to amend section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for county airports

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORT FROM COMMITTEE

Mr. THOMPSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON, from the Committee on Appropriations, reported as amended, Senate Bill No. 387, entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (Pamphlet Laws, two hundred thirteen) entitled "An act to accept the grant of Public Lands, by the United States, to the several states for the endowment of Agricultural College"; and making appropriations for carrying the same into effect.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege, and I trust that my colleagues will harken to me for just a few moments, as my question of personal privilege is in the nature of an announcement.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I am authorized by the victim of a joyous occasion to report out, as committed, a solemn promise once primarily made as the aftermath of a jubilation that exuded from the paradox that followed when in the last General Session a bill introduced by a Democratic member lived to see the light of day.

This promise as about to be reported out by me will be doubly appreciated by my colleagues both Republicans and Democrats, because it is in the nature of boodle for affection shown to a member of this body who after capitulating to the mysteries of matrimony developed an acute tenderness for that unit of the animal kingdom commonly known as the bison or buffalo that roam the verdant pastures of Trexler Park in the bailiwick of the aforementioned victim, the gentleman from Lehigh County, a certain Mr. Rupp.

For the protection given by this Senate to the bovine friends of the gentleman from Lehigh County as above mentioned, lid undertake to provide for each member of this Senate a slice of one of said bisons or buffaloes taken from the 'primest' and 'juiciest' edible portions of one of said buffaloes.

I am therefore highly enthusiastic to report to the members of this Senate with a favorable recommendation that the said Mr. Rupp will purge himself of the promise now long before due to the members of this Senate and to that end his kindness has directed me to inform you, the members of this Senate, both species, Republican and Democratic, that the aforementioned Gentleman Rupp will acquit himself of said obligation, and therefore peremptorily commands that every member of this Senate who answers to the name of Senator will be presented with his aforementioned slice of buffalo under the sheltered premises of the Penn-Harris Hotel in the City of Harrisburg not founded by the ancient Swedish inhabitants of this community and that the said event will be held on Tuesday, May 18, 1937, at 6:30 P. M. E. S. T.

Each slice of buffalo will be accompanied by all easements, hereditaments and embellishments that are generally bargained, sold, enfeoffed and conveyed by culinary art with like slices of buffalo aforementioned. The summons will issue later under the hand and seal belonging to the aforementioned Gentleman Rupp.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1071, entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

House Bill No. 1560, entitled:

An Act for the protection of the public health, and the prevention of fraud and deception; requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

House Bill No. 1562, entitled:

An Act to amend section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled, "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments," by extending the act to all pending claims of the Department of highways against boroughs for the construction, reconstruction or maintenance of State highways.

House Bill No. 1642, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and their appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

House Bill No. 1692, entitled:

An Act requiring the consent of the electors of a township of the second class when such township or any part thereof is to be annexed to a contiguous borough or city.

House Bill No. 1733, entitled:

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by further regulating depositories of funds of counties of the second class, and the rate of interest to be paid by such depositories to such counties.

House Bill No. 1802, entitled:

An Act authorizing County Commissioners to refund

taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury, and limiting the time within which claims for refunds must be made.

House Bill No. 2055, entitled:

An Act authorizing any county and city, in any county in which the county seat is within the limits of such city, to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city; and providing for the appointment of a board of managers, and for professional staffs and employes, and for the apportionment of costs and expenses.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives as follows:

House Bill No. 1282, (Senate Bill No. 1267), entitled:

An Act to further amend the act, approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; in this State; and to provide penalties for the violation of this act," by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery; further defining osteopathy; providing for issuing licenses to perform operative surgery to licensees of other states; requiring annual renewals of osteopathic surgeon's licenses; fixing fees; extending the functions and authority of osteopathic physicians and surgeons; and prescribing additional penal provisions.

Which was committed to the Committee on Public Health.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 723, (House Bill No. 1157), as follows:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats electrically propelled and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted etc. That the following words and terms when used in this act shall have the meanings ascribed to them in this section

"Board" The Board of Fish Commissioners of the Commonwealth or its duly authorized representative

"Inland Waters" Any public stream river lake artificial or natural body of water [or non-tidal waters of any river] within the Commonwealth

"Motor Boat" Any boat electrically propelled or any boat propelled by any type of internal combustion motor of one or more cylinders [including any type of water craft propelled by] including any type of water craft propelled by an out-board motor

"Person" An individual copartnership association or corporation

The masculine shall include the feminine or neuter and the singular shall include the plural

Section 2 That section three of said act as amended by section one of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) is hereby further amended to read as follows

Section 3 Any person owning a motor boat and desiring to operate or navigate the boat or cause it to be operated or navigated on any inland water shall make a written application to the Department of Revenue for a license for such boat Such application shall be made on a form prescribed prepared and furnished by the Department of Revenue and together with such other information as the Department of Revenue may require shall state

(a) The name and address of the applicant and if the applicant is a partnership the names and addresses of all the partners and if the applicant is a corporation the names and addresses of its officers

(b) The size seating or other capacity gross weight and type of the boat

(c) The type number of cylinders the horse power and maximum speed of the motor and the type of muffler under-water exhaust used in connection with such motor

(d) The engine number of the motor which propels the boat

Upon receipt of an application and upon the payment of a license fee of one dollar for each cylinder of the motor built in or attached to the boat or a fee of two dollars in the case of electrically propelled boat the Department of Revenue shall issue to the applicant owner a license for his boat together with duplicate metallic license plates which plates shall contain a serial number [at least five inches in height] corresponding with the number on the license issued to the owner and shall be displayed conspicuously at all times one on each side of the bow of the boat [The owner may paint or stencil a facsimile of the license plates one on each side of the bow of the motor boat provided such license plates are stored in such motor boat] Such license plates [or facsimilie of such license plates] shall be used only on the boat the engine of which bears the number set forth in the application

Section 3 That sections four five and nine of said act as added by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) are hereby amended to read as follows

Section 4 Dealers' licence plates bearing the additional mark "X" may be used on motor boat in the possession of such manufacturer jobber or dealer when the boat is being used for demonstration purposes Application for dealers' licenses shall be made upon a form provided by the Department of Revenue and shall set forth the full name and business address of the applicant and such other information as the Department of Revenue shall require and shall be signed by such manufacturer jobber or dealer Upon receipt of the application and upon the payment of a license fee of [five] five dollars for the initial set and five dollars for each additional set the Department of Rev-

enue shall issue to the applicant manufacturer jobber or dealer a dealer's license together with duplicate metallic license plates which plates shall contain the letter "X" and a serial number corresponding with the number on the license issued to the dealer and shall be displayed conspicuously one on each side of the bow of the boat being used by the dealer

Section 5 Dealers' and owners' license plates shall be valid [from year to year provided the license is renewed as hereinafter required If the license is not renewed it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue and remove the facsimile of such license plates immediately upon the expiration of his license In the event the license plates have been lost or destroyed a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates Dealers' and owners' licenses shall be valid until the thirty-first day of December next following the date of their issuance and may be renewed from year to year upon application and payment of a fee as in the case of procurement of an original license] only for the license year April first of one year to March thirty-first of the succeeding year Upon the renewal of a license for any subsequent year new license plates shall be issued by the department

Section 9 No boat propelled by any type of internal combustion motor of one or more cylinders including out-board motors shall be operated on any of the inland waters unless the same is equipped with [an underwater exhaust or with a muffler having at least two baffle plates Such muffler and baffle plates shall be in good working order and of a type approved by the board No cut-outs or other devices shall be used to make such muffler ineffective] a muffling device supplied by the manufacturer of the motor for that particular model without modification to prevent excessive or unusual noise which shall at all times be maintained in good working order No person shall operate a motor boat with the cut-out open or muffler removed Provided That nothing contained in this section shall be construed to require motors to be so muffled when boats are engaged in legitimate racing contests or in preparation for the same The Board of Fish Commissioners shall have power to require the installation of any type of muffler if that supplied by a manufacturer is not deemed satisfactory to the board

Section 4 This act shall become effective immediately upon its final enactment

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Buckman,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Huffman,	Mallery,	Rupp,
Deitrick,	Jacobs,	McCreesh,	Ruth
Dent,	Jaspan,	McGinnis,	Salus,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Ealy,	Kilgallen,	Pytko,	Sipe,
Eroe,	Kunkel,	Rankin,	Sones,
Frey,			

NAYS—12

Bean,	Gilson,	Howell,	Scarlett,
Chapman,	Heyburn,	Owlett,	Wolfenden,
Gelder,	Homsher,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 809, as follows:

An Act to amend section three of Article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments and officers regulating commitments and providing for the audit of firemen's pension funds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended to read as follows

Section 3 (a) [The city controller shall prescribe the form of reports and accounts to be rendered to his department and shall have entire charge and supervision of] [the accounts of all other departments and trusts All employes engaged in the keeping of any of the books or accounts prescribed by the city controller or forming part of the city's bookkeeping system shall be under the control and supervision of the city controller] In addition to all other powers and duties the city controller shall

(1) Keep all accounting or financial records of all departments of the city government and of all other departments the expenses of which are paid out of the city treasury

(2) Have power to require such additional and supporting accounting or financial records to be kept and to be rendered to his department by the other departments and trusts of the city government and by all other departof the city government the expenses of which are paid out of the city treasury as may to him seem necessary and shall prescribe the nature form and extent of all such supporting records He shall have complete supervision and control over such records and accounts All employees engaged in the keeping of any of the books or accounts prescribed by the city controller or forming part of the city's bookkeeping system shall be under the control and supervision of the city controller

(3) Have power to prohibit the keeping of any accounting or financial records by any department the expenses of which are paid out of the City Treasury except those provided for in this section

(4) Have supervision and control over the manner of all expenditures and shall not approve any warrant commitment or any contract involving the payment of money by any department unless there are funds available for the payment of such commitment in the specific item of appropriation made therefor

(5) Have supervision and control over the form of all vouchers and warrants and shall prescribe the manner of payment thereof

(6) Have supervision and control over the manner method and place of payment of all bills for amounts due and payable into the city treasury and shall prescribe the form and method of preparing all bills and receipts

(7) Have supervision and control over all payrolls All paymasters and the place of all payments shall be in the controller's department under his exclusive control

(b) He shall audit accounts of the several departments and trusts including the accounts of any board of directors of city trusts in such city whether heretofore or hereafter created and all other accounts in which the city is concerned and submit annually to the council in such manner as may by ordinance be directed a report of the accounts of the city verified by his oath or affirmation exhibiting the assets liabilities and net worth of the city at the close of the preceding year and the revenues ex-

penses other expenditures receipts and disbursements of the preceding year including the sources from which the revenues and receipts were derived and in what manner the same were disbursed which report shall be published in pamphlet or book form

(c) He shall maintain a complete and modern system of accounting that will at all times reflect the financial condition of the city and shall keep separate accounts for each specific item of appropriation made by the council to each department and require all warrants to state specifically against which items the warrant is drawn Each account shall show in detail the several appropriations made by the council the amount drawn on each appropriation the unpaid contracts charged against it and the balance standing to the credit of the same

(d) He shall not suffer any appropriation to be overdrawn or the appropriation for one item to be drawn upon for any other purpose or by any department other than that for which the appropriation was specifically made except on transfers made by ordinance of council

(e) He shall not approve any expenditure nor countersign any warrant for the payment of moneys out of the city treasurer as the result of any commitment where no appropriation to cover such purchases was made unless such proposed commitment shall have first been submitted to and approved by the city controller All commitments contrary to this clause shall be null and void and shall not establish any valid claim against the city

(f) If any warrant presented to the city controller contains an item for which no appropriation has been made or there shall not be a sufficient balance of the proper fund for the payment thereof or which for any other cause should not be approved he shall notify the proper department of the fact and if the city controller shall approve any warrant contrary to the provisions hereof he and his sureties shall be individually liable for the amount of the same to the holder thereof

(g) Whenever a warrant or claim shall be presented to him he shall have power to require evidence that the amount claimed is justly due and for that purpose may summon before him any officer agent or employee of any department of the city or any other person and examine him upon oath or affirmation relative to such warrant or claim

(h) He shall also perform all duties required of him by law or ordinance not inconsistent with the provisions hereof

(i) It shall be the duty of the controller of cities of the first class to audit annually all the accounts of Firemen's Pension Funds of cities of the first class receiving appropriations from the State. In default of such an annual audit by the controller no further appropriation shall be made by the State to Firemen's Pension Funds of cities of the first class.

Section 2 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 3 This act shall take effect immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Heyburn,	Law,	Rupp,
Chapman,	Huffman,	McCreesh,	Ruth
Dando,	Jacobs,	McGinnis	Shapiro,
DiSilvestro,	Jaspan,	Petko,	Sipe,
Fice,	Kahle,	Rankin,	Scnes,
Gilson,	Kilgallen,	Reed,	Stiefel,
Haluska,	Kunkel,	Rice,	Woodward,
Henney,	Lanius,	Rodgers,	

NAYS—11

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden,
Deitrick,	Homsher,	Pierson,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the Chair.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 975 (House Bill No. 1572), as follows:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" are hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "boiler" shall mean a vessel in which power or heat is generated and including all piping and apparatus connected thereto up to and including the stop-valve or valves nearest the boiler and shall also be construed to include unfired pressure vessels carrying a pressure of more than fifteen pounds per square inch except where the context clearly indicates otherwise

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public has access except farms or private dwellings

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect boilers in this Commonwealth or boilers destined for use in this Commonwealth

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

"Place of public assembly" shall mean any building or portion thereof designed intended and used for occupation by persons for purposes of entertainment instruction or amusement

"School" shall mean any building or portion thereof where persons assemble for purposes of education and shall include public and private schools academies colleges and universities

Wherever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section 8 Frequency of Inspection Every boiler shall be inspected both internally and externally while not un-

der pressure at least once in every twelve months and while under operating conditions at least once in every twelve months miniature boilers shall be inspected at least once in every twelve months unfired pressure vessels shall be inspected as required by the rules and regulations of the department except that in no case shall regular inspections be required more than once in every twelve months

Section 11 Fees for Inspection and Certificate The fee for the certificate of operation for all insured and uninsured boilers shall be one dollar When boilers are inspected by inspectors of the department the following fee shall be charged in addition to the certificate fee

For the internal and external inspection while not under pressure of a boiler having a grate area of not more than ten square feet the fee shall be five dollars For the internal and external inspection of a boiler while not under pressure having a grate area of more than ten square feet the fee shall be five dollars and in addition ten cents for every square foot of grate area in excess of ten square feet

For the external inspection of a boiler while under operating conditions the fee shall be two dollars and fifty cents

For the inspection of a miniature boiler the fee shall be two dollars

For a hydrostatic test of any boiler a fee of five dollars shall be charged in addition to the inspection fees hereinbefore provided for

For unfired pressure vessels the fee for an external inspection shall be two dollars

For the internal inspection of an unfired pressure vessel having a superficial area of not more than forty square feet the fee shall be two dollars and fifty cents

For the internal inspection of an unfired pressure vessel having a superficial area of more than forty square feet the fee shall be two dollars and fifty cents and in addition five cents for every square foot of superficial area in excess of forty square feet not to exceed a maximum fee of fifteen dollars

Section 13 Registration of Boilers The owner or user of every boiler in this Commonwealth except as exempted from the provisions of this act in section two shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Industry every boiler operated by him giving the type size description name of manufacturer and purpose for which each is used except that unfired pressure vessels shall be registered before June first one thousand nine hundred thirty-eight Such registration shall be on forms to be furnished by the department If the location of any boiler is subsequently changed such change of address shall be registered with the department within ten days and if the purpose for which any boiler is used is changed from that shown on the original registration the department shall be notified within ten days of such change

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Henney,	McGinnis,	Rupp,
Dando,	Jaspan,	Mundy,	Ruth,
Dent,	Kahle,	Pytko,	Sipe,
DiSilvestro,	Kilgallen,	Rankin,	Sones,
Eroe,	Kunkel,	Reed,	Stiefel,
Frey,	Lanius,	Rice,	Thompson,
Gilson,	Law,	Rodgers,	Huffman,
Haluska,	McCreesh,		

NAYS—15

Bean,	Ealy,	Howell,	Salus,
Buckman,	Gelder,	Mallery,	Scarlett,
Chapman,	Heyburn,	Owlett,	Woodward,
Deitrick,	Homsher,	Pierson,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 999, as follows:

An Act to amend section three hundred eleven as amended of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the sceond class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred eleven of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the fourth day of April one thousand nine hundred thirty-five (Pamphlet Laws 12) is hereby further amended to read as follows

Section 311 "County Employe" Defined A county employe for the purpose of this subdivision of this act is any person employed by the county or by the county poor district at a wage or salary payable at stated intervals that is to say semi-monthly monthly quarterly or annually The term may at the option of the Retirement Board include any person elected by the vote of the people and any such person admitted or readmitted to membership in said fund shall receive credit for his previous service in the employ of the county as an elected or appointed employe or official upon the payment of such amount due as contributions for such previous service as shall be determined by the Retirement Board In all cases of doubt the Retirement Board shall determine who is an employe within the meaning of this act

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Haluska,	McCreesh,	Salus,
Cavalcante,	Henney,	McGinnis,	Scarlett,
Chapman,	Heyburn,	Mundy,	Shapiro,
Dando,	Homsher,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Sones,
Dent,	Jaspan,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rankin,	Thompson,
Ealy,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Rice,	Woodward,
Frey,	Lanius,	Rodgers,	Huffman,
Gelder,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 61, entitled:

An Act authorizing executors guardians and trustees to purchase life endowment or annuity contracts in companies approved and duly authorized to carry on such business in the State of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,	Rupp,	

NAYS—1

Bean,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 87, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I simply wish to call the attention of the Senate to the fact that this is a joint resolution amending Article Nine of the Constitution. It would forbid the transfer of motor vehicle funds for any other purpose except for the use of the Highway Department. I am opposed to this because it creates a special fund and it certainly prevents us from using our own intelligence and judgment, as we have found out in the past when drawing on the Highway Fund, and as I understand this amendment, this would clamp down on that.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bean,	Frey,	Kunkel,	Reed,
Buckman,	Gelder,	Lanius,	Rice,
Cavalcante,	Gilson,	Law,	Rodgers,
Chapman,	Haluska,	Mallery,	Rupp,
Dando,	Henney,	McCreesh,	Ruth,
Deitrick,	Heyburn,	McGinnis,	Scarlett,
Dent,	Homsher,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Owlett,	Stiefel,
Ealy,	Kahle,	Pytko,	Thompson,
Eroe,	Kilgallen,	Rankin,	Huffman,

NAYS—2

Salus, Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. THOMPSON. Mr. President, I call up at this time Senate Bill No. 1033, on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1033 (House Bill No. 1651), as follows:

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes for the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Tresury Department and providing for contributions by members.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamhlet Laws 858(), entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from constributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844) the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519(the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 275) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389), is hereby further amended to read as follows

Section 1 Be it enacted etc That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "Retirement System" shall mean the arrangement for the payment of retirement allowances under the provisions of this act

2 "Retirement Association" shall mean the State employes' retirement association provided for in section three of this act

3 "Retirement Board" shall mean the State employes' retirement board provided for in section four of this act

4 "Secretary of the Commonwealth" shall mean the Secretary of the Commonwealth of Pennsylvania

5 'State Treasurer" shall mean the Treasurer of the Commonwealth of Pennsylvania

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania [or] employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of assembly as a general State Authority (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such general State Authority were employes of the Commonwealth so long as they remain officers or employes of such general State Authority if such General State Authority shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled 'An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during the legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

7 "Head of the Department" as applied to State employes shall mean the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member and shall include all judges of the several courts of this a State employe who shall be a member of the retire-Commonwealth whose salaries are paid by the Commonwealth

8 "Member" of the retirement association shall mean a state employe who shall be a member of the retirement association established by this act

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employer prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first noe thousand nine hundred thirty-five

Any such State employe who shall become an original member of the association after the approval of this amendment including those who haveing heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

10 "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not an original member and who is elected reelected or appointed to the office of judge subsequent to the second Monday of Janu-

ary one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe" Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the members annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

11 "Contributor" shall mean any person who has accumulated deductions in the fund created by this act to the credit of the annuity savings account

12 "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided in this act

13 "Prior service" shall mean all service as a State employe completed not later than the thirty-first day of December nineteen hundred twenty-three and in the case of judges shall mean all service completed prior to becoming a member of the retirement association

14 "Disability Retirement" shall mean retirement as defined in section twelve of this act

15 "Superannuation retirement" shall mean retirement as defined in section thirteen of this act

16 "Superannuation Retirement Age" shall mean as applied to State employes sixty years of age

17 "'Final Salary" shall mean the average annual salary earnable by a contributor as a State employe for the five years of service immediately preceding retirement except that at the member's option the salary earnable by a contributor as a State employe for the years beginning June first one thousand nine hundred thirty-three and June first one thousand nine hundred thirty-four shall not be included in determining such "final salary"

18 "Accumulated Deductions" shall mean the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act to the credit of the annuity savings account together with the regular interest thereon

19 "Regular Interest" shall mean interest at four per cent per annum compounded annually

20 "State Annuity" shall mean payments for life derived from contributions made by the Commonwealth of Pennsylvania as provided in this act.

21 "Members Annuity" shall mean payments for life derived from contributions made by the contributor as provided in this act

22 "Retirement Allowance" shall mean the State annuity plus the members annuity

23 "State Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any State annuity granted and based on contributions made by the Commonwealth of Pennsylvania

24 "Member's Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any members of annuity granted and based on the accumulated deductions of the contributor

25 "State Employes' Retirement Fund" shall mean the fund provided for in paragraph number two in section eight of this act

26 "Contingent Reserve Account" shall mean the account provided for in paragraph number three in section eight of this act

27 "State Annuity Reserve Account" shall mean the account provided for in paragraph number four in section eight of this act

28 "State Annuity Reserve Account Number Two" shall mean the account provided for in paragraph number five in section eight of this act

29 "Member's Annuity Savings Account" shall mean the account provided for in paragraph number six in section eight of this act

30 "Member's Annuity Reserve Account" shall mean the account provided for in paragraph number seven in section eight of this act

Section 2 That section three of said act as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844) is hereby further amended to read as follows

Section 3 A State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act who by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsequent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first [twelve] six months of employment as a State employe have the option of membership but after the first [twelve] six months of such employment as a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative department nor the members of any independent administrative board or commission or of any departmental administrative board or commission or of any advisory board or commission nor the secretary to the Governor nor the budget secretary nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association

The head of each department board commission or other agency of the State government shall see to it that an application for membership is executed by each new State employe within said six months period and that payroll deductions are not delayed beyond said period

Section 3 That section four of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) is hereby further amended to read as follows

Section 4 (1) On the first day of June one thousand nine hundred thirty-seven the "State Employes' Retirement Board" shall be transferred from the Department of State to the Treasury Department and shall consist of the following

(a) The Secretary of the Commonwealth [who shall be chairman thereof]

(b) The State Treasurer who shall be chairman thereof

(c) One member who shall be appointed by the Governor of the Commonwealth of Pennsylvania who shall serve until his successor is appointed

(d) Two members of the retirement association elected from among their number in a manner to be approved by those persons named in paragraphs (a) (b) and (c) of this section one to serve for one year one for two years and whose successors shall be elected for a term of three years from among the members of the retirement association in a manner to be approved by the retirement board

A vacancy occurring during a term shall be filled for the unexpired term by the appointment of a successor in the same manner as his or her predecessor Until the establishment of the retirement association and the election of two representatives therefrom the [person] per-

sons named in paragraphs (a) (b) and (c) of this section are empowered to perform the duties of the retirement board

(2) The expenses of the administration of this act by the retirement board exclusive of the payment or retirement allowances and of the other benefits provided for in this act shall be paid by the Commonwealth by biennial appropriations from the general fund made on the basis of estimates submitted by the retirement board The members of the retirement board shall serve without compensation but shall be reimbursed from the aforesaid appropriations for any necessary expenditures and no contributor shall suffer loss of salary or wages through serving on the retirement board

(3) The [Secretary of the Commonwealth] State Treasurer shall [with the approval of the Governor] appoint a secretary an actuary and such medical clerical and other employees as may be necessary

(4) The compensation of all persons so appointed shall be fixed by the [Secretary of the Commonwealth with the approval of the Governor] State Treasurer [Provided That after the Executive Board of this Commonwealth shall have established applicable standards the compensation of the persons employed by the retirement board shall conform to such standards]

(5) Subject to the limitations of this act and of law the retirement board shall from time to time establish rules and regulations for the administration of the fund and ledger accounts created by this act and for the transaction of its business

(6) The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various accounts created by this act

(7) In the years nineteen hundred twenty-seven and nineteen hundred thirty and in every fifth year thereafter the actuary of the retirement board shall make an actuarial investigation into the mortality and service experience of the contributors and beneficiaries as defined in this act and shall make a valuation of the various accounts created by this act and on the basis of such investigation and valuation the retirement board shall

(a) Adopt for the retirement system one or more mortality tables and such other tables as shall be deemed necessary

(b) Certify the rates of deduction from salary necessary to pay the annuities authorized under the provisions of this act and

(c) Certify biennially the [rates of contribution expressed as a percentage of salary of new members at various ages] amount of appropriation which shall be made by the Commonwealth and other agencies to the State Employes' Retirement Fund [and credited to the contingent reserve account] which amounts shall be based on estimates furnished by the actuary and shall be credited to the proper accounts created by this act

The General Fund of the Commonwealth shall not be held liable to appropriate the moneys required to build up the reserves necessary for the payment of the State annuities of contributors whose salary or compensation is payable from special operating funds or agreed to be paid by other agencies from moneys not in the State Treasury but the appropriations or payments necessary for such purposes shall be paid into the retirement fund only from moneys in such special operating funds or by such agencies In case any such special fund or agency shall fail to provide the moneys necessary for such purpose then for such period as moneys are not so provided the credits on which the State annuity of such contributors is based shall not be increased but the rights of such contributors in the retirement system shall nevertheless be continued and payroll deductions shall continue in the case of such contributors to be credited to member's annuity savings account

(8) Immediately after the passage of this act the actuary of the retirement board shall make such investigation of the mortality service and salary experience of the State employes as he shall recommend and the retirement board shall authorize for the purpose of determining upon the proper tables to be prepared and submitted to the retirement board for adoption On the basis of such investigation and recommendation the retirement board shall adopt such tables and certify such rates as are required in subsections (a) (b) and (c) of paragraph seven immediately preceding On the basis of such tables the actuary of the retirement board shall immediately after the first day of January nineteen hundred twenty-four make a valuation of the various accounts created by this act

(9) The retirement board shall prepare and have published annually a financial statement showing the condition of the fund and the various accounts created by this act and setting forth such other facts recommendations and data as may be of use in the advancement of knowledge concerning State employes' pensions and annuities and said retirement board shall submit said financial statement to the Governor of the Commonwealth of Pennsylvania and shall file copies in the offices of the Secretary of the Commonwealth of the State Insurance Department and of the head of each department for use of the State employes and the public

(10) Each member of the retirement board shall take an oath of office that he or she will so far as it develops upon him diligently and honestly administer the affairs of said retirement board and that he or she will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this act Such oath shall be subscribed by the member making it and certified by the officer before whom it is taken and shall be immediately filed in the office of the Secretary of the Commonwealth

(11) The retirement board shall keep a record of all its proceeding which shall be open to inspection by the public

(12) The retirement board shall perform such other functions as are required for the execution of the provisions of this act

Section 4 That section eight of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

State Employes' Retirement Fund and Accounts

Section 8 (1) The fund and accounts created hereby are the State Employes' Retirement Fund the contingent reserve account State annuity reserve account number two the members' annuity savings account and the members' annuity reserve account

(2) The State Employes' Retirement Fund on and after the first day of July one thousand nine hundred twenty-nine shall consist of all moneys in the several separate funds in the State Treasury set apart to be used under the direction of the State Employes' Retirement Board for the retirement of members of the State Employes' Retirement Association which on the aforesaid date shall be consolidated into one special fund to be known as the "State Employes' Retirement Fund" and thereafter the Treasury Department shall credit to the State Employes' Retirement Fund all moneys received by it from the Department of Revenue arising from contributions [from] by the Commonwealth from the General Fund from the special operating funds and from other agencies and members of the retirement association as hereinafter provided and all interest earned by the investments or moneys of said fund Upon the consolidation of the separate funds as aforesaid there shall be established and maintained by the retirement board for actuarial purposes the several hereinafter named ledger accounts equivalent to and which shall stand in lieu of the several separate funds hereby abolished and all credits to each abolished fund shall be credited by the retirement board to the ledger account hereinafter created to stand in place of said fund

(3) In the month of January nineteen hundred and twenty-six for a period covering the twelve months next preceding and semi-annually thereafter covering the six months next preceding the Commonwealth of Pennsylvania

shall from the General Fund from special operating funds and from other agencies pay into the fund created by this act through the Department of Revenue on account of each new member of the retirement association who was a contributor for one or more months of such respective periods such amounts as shall be certified by the retirement board as necessary to provide by such method of payment during the prospective service as State employe of such new member the State annuity reserve required at the time of retirement for the disability or superannuation State annuity allowable by the said Commonwealth under the provisions of this act or required at the time of discontinuance of service under paragraph four of section eleven of this act which amount shall be credited by the retirement board to a ledger account to be known as the contingent reserve account The amount so certified by the retirement board shall be computed to bear a ratio to the salary earnable by such new member during the period for which the amount is certified which shall remain constant during his or her entire period of prospective active service and shall be based on such mortality and other tables as shall be adopted by the retirement board and on regular interest

(4) Upon the retirement of a new member an amount equal to his or her State annuity reserve shall be transferred by the retirement board from the contingent reserve account to the credit of a ledger account to be known as State annuity reserve account His or her State annuity shall be charged to said State annuity reserve account and paid from the fund created by this act Should said new member be subsequently restored to active service his or her State annuity reserve shall thereupon be transferred from State annuity reserve account to the contingent reserve account Should the State annuity of any such new member be otherwise reduced or discounted in accordance with the provisions of this act his or her State annuity reserve or such proportionate part of his or her State annuity reserve as corresponds to the amount of the reduction of his or her State annuity shall be transferred from State annuity reserve account to the contingent reserve account

(5) The actuary after making the first valuation required shall determine the present value of the liability on account of all State annuities payable to original members and the percentage of the total compensation paid to all members during the preceding year which is equivalent to one twenty-fifth of the said liability The Commonwealth and other agencies designated by this act shall pay into the fund created by this act through the Department of Revenue annually beginning with the month of June nineteen hundred and twenty-five and until the accumulated reserve equals the present value of said liability the amount as certified by the retirement board which shall be equal to the per centum determined in accordance with this section of the total compensation paid to all members for service during the preceding year which amount shall be credited by the retirement board to a ledger account to be known as State annuity reserve account number two Each annual payment shall be sufficient when combined with that in the fund to the credit of the aforesaid account to provide the [pensions] State annuities payable by the Commonwealth during the year then current to original members then retired or to be retired as provided in this act Upon the retirement of an original member his or her State annuity shall be charged to the State annuity reserve account number two and paid from the fund created by this act

(6) There shall be credited by the retirement board to a ledger account to be known as the members' annuity saving account the amounts of the accumulated deductions from the salaries of contributors made under such rules and regulations as the retirement board shall prescribe as follows

From the Salary of each member who is a contributor there shall be deducted and paid into the fund created by this act through the Department of Revenue such per centum of his or her earnable salary as shall be computed to be sufficient with regular interest to procure for him or her on superannuation retirement a member's annuity equal to one one-hundred sixtieth (1-160) [or] if the member [shall] has so [elect] elected prior to the effective date of this amendment or one one-hundredth (1-100) of his or her final salary for each year of service after the thirty-first day of December nineteen hundred twenty-three but after the effective date of this amendment every person becoming a member shall be required to contribute at the one one-hundredth (1-100) rate except that if the deduction so computed shall exceed [five] seven per centum of his or her earnable salary [and] the member [shall so elect] may request the board to be permitted to contribute at the lesser rate and if the board finds that there are reasons which justify such reduction then there shall be deducted [five] seven per centum of his or her earnable salary Provided That those members who have elected to contribute at a five per centum rate prior to the effective date of this amendment may continue such rate of contributions And further provided That a beneficiary restored to service shall not be required to contribute at a per centum rate of his or her earnable salary which is greater than the per centum thereof which he or she was required to contribute prior to his or her retirement The rate per centum of said deductions from salary shall be based on such mortality and other tables as the retirement board shall adopt together with regular interest and shall be computed to remain constant during the prospective service of the contributor

(7) Upon the retirement of a contributor a credit equivalent to the amount of his or her accumulated deductions shall be transferred from the members' annutiy savings account to a ledger account to be known as the members' annuity reserve account His or her members' annuity shall be charged to said members' annuity reserve account and paid from the fund created by this act Should said contributor be subsequently restored to active service his or her members' annuity reserve shall thereupon be transferred from the members' reserve account to the members' annuity savings account

(8) No contributor who prior to the effective date of this amendment ceased to make contributions shall be required to continue to contribute to the State Employes' Retirement Fund after he or she shall have become eligible for superannuation retirement if he or she shall have already completed ten years of service [all contributions made thereafter to said Fund shall be voluntary] but any such contributor may elect at any time before retirement to resume contributions to the fund and shall also have the privilege to pay into the fund an amount equal to the total amount he or she would have contributed had he or she not elected to cease to make contributions Every contributor who after the effective date of these amendments becomes eligible for superannuation retirement shall be required to continue to make contributions so long as he or she shall remain in State service

(9) A contributor whether an original member or a new member who is in active service on the date when this amendment becomes effective may transfer from the one one-hundred sixtieth (1-160) class to the one one-hundredth (1-100) class Provided That he completes the transfer on or before the thirty-first day of December one thousand nine hundred and [thirty-one] thirty-seven Provided also That in the event of such transfer the per centum of salary deductions applicable to such transferred member in the one-hundredth (1-100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction applicable while in the one one-hundred-sixtieth (1-160) class

Where a member has transferred from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class as above provided his State annuity upon retirement shall be calculated as follows

(a) For service prior to the time of transfer at the one one-hundred-sixtieth (1-160) rate

(b) For service subsequent to the date of transfer to the date of retirement at the one-hundredth (1-100) rate

(c) For all service prior to the time of commencing contribution and as the time he contributed at the one

hundred-sixtieth (1-160) rate bears to the total time of contribution and as the time he contributed at the one one-hundredth (1-100) rate bears to the total time of contribution

Section 5 That section ten of said act is hereby amended to read as follows

Service Allowance

Section 10 In computing the length of service of a contributor for retirement purposes under the provisions of this act full credit shall be given to each original member by the retirement board for each year of prior service as a State employe as defined in section one paragraphs six and thirteen of this act As soon as practicable after each original member shall have joined the retirement association the retirement board shall issue to him or her a certificate certifying to the aggregate length of his or her prior service Such certificate shall be final and conclusive as to his or her prior service unless thereafter modified by the retirement board either upon application by the member or upon its own initiative The time during which a State employe is absent without pay shall not be counted in computing the [prior] service or the average salary of a contributor [unless allowed by the head of the department in which said contributor served at the time said leave of absence was granted and further unless said allowance shall be approved by the retirement board]

Section 6 That section eleven of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Withdrawal

Section 11 (1) Should a contributor before reaching super-annuation retirement age by resignation or dismissal or for any other reason than death or retirement upon disability under section twelve or for superannuation under section thirteen cease to be a State employe he or she shall be paid on demand from the fund created by this act (a) the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity beginning at superannuation retirement age which shall be the actuarial equivalent of said accumulated deductions His or her membership in the retirement association shall thereupon cease

(2) Should a State employe so separate from his or her service as State employe without retiring return within [seven] ten years and restore to the State Employes' Retirement Fund to the credit of the annuity savings account in such manner as may be agreed upon by the State employe and the retirement board his or her accumulated deductions as they were at the time or his or her separation the annuity rights forfeited by him or her at [that] the time of separation from service shall be restored and his obligations as a member of the retirement association shall begin again but nothing contained in this clause shall limit the right of a State employe who has heretofore retired or shall hereafter retire voluntarily or involuntarily to return to service as a State employe at any time and to continue from the time of reentry into State service his rights as an original or new member as they existed at the time of retirement and add to such rights by further service and by further payroll deductions In any such case his or her annuity or allowance shall cease upon reentry into State service until subsequent retirement

(3) Should a member be discontinued from service not voluntarily after having completed ten years of total service or voluntarily after having completed twenty-five years of total service but before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) An annuity of equivalent actuarial value to his or her accumulated [contributions] deductions and in addition a State annuity [beginning immediately] having a value equal to the present value of a State annuity beginning at superannuation retirement age [of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculate only for each year of total service while a member and in addition thereto if an original member of the retirement association of a further State annuity beginning immediately having a value equal to the present value of a State annuity beginning at superannuation retirement age of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act] calculated in accordance with the provisions and with the privileges of the same options provided for in sections thirteen and fourteen of this act with respect to State annuities for superannuation retirement

[(4) Should a judge discontinue service voluntarily or not voluntarily after having completed twenty years of total service but before reaching superannuation retirement age he or she may elect (in addition to the elections otherwise provided for by this act for State employes) to take at the time of retirement an annuity calculated in accordance with clause three (b) of this section as] [provided for in the case of State employes retiring not voluntarily after having completed ten years of total service or he or she may elect to take a deferred annuity beginning at superannuation retirement age calculated in accordance with section thirteen (2) as provided for in the case of State employes retiring for superannuation but in no event shall the total State annuity exceed fifty per centum of his or her final salary]

[(5)] (4) Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board In case any contributor heretofore or hereafter dying has failed to nominate a beneficiary or the beneficiary nominated shall have died prior to the death of the contributor and in either event the amount of his or her accumulated deductions is less than one hundred dollars ($100) the board may if letters testamentary or of administration have not been taken out on the estate of such contributor within six months of death pay such accumulated deductionss on the claim of the undertaker or any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 7 That sections twelve and thirteen of said act as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Disability Retirement

Section 12 Retirement upon disability shall be made and discontinued as follows

(1) Upon the application of a contributor or of one acting in his or her behalf or upon the application of the head of his department the retirement board shall retire said contributor on a disability allowance if he or she is under the superannuation retirement age and on a superannuation allowance if he or she has attained or passed such age Provided The physician or physicians designated by the retirement board after a medical examination of said contributor made at the place of residence of such contributor or at a place mutually agreed upon shall certify to the retirement board that said contributor is physically or mentally incapacitated for the performance of duty and that said contributor ought to be retired And provided further That said contributor has had five or more years of service as a [State employe] member

(2) Once each year the retirement board may require any disability annuitant while still under the superannua-

tion retirement age to undergo medical examination by a physician or physicians designated by the retirement board said examination to be made at the place of residence of said beneficiary or other place mutually agreed upon Should such physician or physicians thereupon report and certify to the retirement board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty or that such disability beneficiary is able to engage in a gainful occupation and should the retirement board concur in such report then the amount of the State annuity shall be discontinued or reduced to an amount that shall not be in excess of the amount by which the amount of last year's salary of the beneficiary as a State employe exceeds his present earning capacity

(3) Should any disability annuitant while under the superannuation retirement age refuse to submit to at least one medical examination in any year by a physician or physicians designated by the retirement board his or her State annuity shall be discontinued until the withdrawal of such refusal and should such refusal continue for one year all his or her rights in and to the State annuity constituted by this act shall be forfeited

(4) Upon the application of any beneficiary under the superannuation retirement age drawing a disability retirement allowance under the provisions of this act said beneficiary may be restored to active service by the head of the department in which he or she served at the time of his or her retirement Upon the restoration of a beneficiary to active service his or her retirement allowance shall cease and he or she shall resume membership in the retirement association

(5) On the retirement for disability a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity which together with the member's annuity shall be sufficient to produce a retirement allowance of one ninetieth (1/90) of his or her final salary multiplied by the number of his or her years of service but in any case not less than thirty per centum shall exceed eight-ninths of the rate of retirement allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age when the State annuity granted shall be such as to make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age

Where a member deferred taking membership and has not completed his back payments at the time of disability retirement then the State annuity shall be the amount to which the member would have been entitled had the back payments been completed at the time of becoming a member

Should a disability annuitant die before the total allowance received for disability shall be at least equal to the amount of his or her accumulated deductions at the time of disability retirement then the board shall pay to the named beneficiary or to the annuitant's estate an amount equal to the difference between the allowance received and the annuitant's accumulated deductions and if such amount is less than one hundred dollars ($100) and no letters have been taken out on the estate within six months after death then payment may be made to the undertaker or to any person or political subdivision who or which shall have paid the claim of the undertaker

Superannuation Retirement

Section 13 Retirement for superannuation shall be as follows

(1) Any contributor who has reached the superannuation retirement age may retire for superannuation by filing with the retirement board a written statement duly attested setting forth [at what time subsequent to the execution of said application] on what date he or she desires to be retired Said application shall [retire said contributor at the time so specified or in the descretion of the retirement board at the end of the year in which the time so specified occurs] make the superannuation allowance effective on the date so specified if such application was filed in the offices of the board or deposited in the United States mail addressed to the board before the date specified in the application and before the death of the contributor Provided however That the date so specified in the application shall not be more than thirty days from the date of filing or depositing the application in the mail

(2) On retirement for superannuation a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement association a further State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act but in no event shall the total State annuity exceed fifty per centum of his or her final salary

Section 8 That section fourteen of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Section 14 At the time of his or her superannuation retirement any contributor may elect to receive his or her benefits in a retirement allowance payable throughout life or if such retirement allowance amounts to less than [five] ten dollars [($5)] ($10) per month he or she may elect to receive the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or he or she may on superannuation retirement elect to receive the actuarial equivalent at that time of his or her member's annuity State annuity or retirement allowance in a lesser member's annuity or a lesser State annuity or a less retirement allowance payable throughout life with the provisions that

Option 1 If he or she die before receiving in payments the present value of his or her member's annuity State annuity or retirement allowance as it was at the time of his or her retirement the balance shall be paid to his or her legal representatives or to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 2 Upon his or her death his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 3 Upon his or her death one-half of his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknolwedged and filed with the retirement board at the time of his or her retirement

Option 4 Some other benefit or benefits shall be paid to either the contributor or such other person or persons as he or she shall nominate provided such other benefit or benefits shall together with such lesser member's annuity or lesser State annuity or lesser retirement allowance be certified by the actuary of the retirement board to be of equivalent actuarial value and shall be approved by the retirement board

Section 9 That section twenty-two of said act is hereby amended to read as follows

Section 22 The retirement board created by this act and transferred from the [Department of State] to the Treasury Department shall be and be deemed a departmental administrative board within the said department and shall be subject in all respect to the laws of this Commonwealth limiting the powers of departmental administrative boards with regard to the expenditure of money and prescribing the duties of departmental administrative boards with reference to the making of financial reports the furnishing of financial and budgetary information to the department with which it is connected and the making of biennial reports

Section 10 The members officers and employes of the State Employes' Retirement Board which is transferred by this act from the Department of State to the Treasury Department shall continue to be the members officers and employes of such board and to preform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions Provided however That on and after the first day of June one thousand nine hundred thirty-seven the State Treasurer shall be the chairman of the board in lieu of the Secretary of the Commonwealth

Section 11 This act shall become effective immediately upon final enactment Provided however That the provisions of this act transferring the State Employes' Retirement Board from the Department of State to the Treasury Department shall not become effective until the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bean,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Salus,
Deitrick,	Homsher,	Mundy,	Scarlett,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed	Woodward,
Gelder,	Lanius,	Rice,	Huffman,
Gilson,	Law,	Rodgers,	

NAYS—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 199, as follows:

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases and the exemption for the canning industry imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for the violations thereof by defining the procedure in prosections and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable [Provided That this act shall not apply to work in private homes and farming]

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation [and municipality] Commonwealth and any political subdivision thereof

The term "week" when used in this act shall mean any seven consecutive days and the term "day " shall mean any twenty-four consecutive hours

Section 2 That section three of said act as amended by the act approved the first day of June one thousand nine hundred fifteen (P. L. 709) is hereby further amended to read as follows

Section 3 (a) [No] Except as hereinafter provided no female shall be employed or permitted to work in or in connection with any establishment for more than [six] five and one-half days in any one week or more than [fifty-four] forty-four hours in any one week or more than [ten] eight hours in any one day If the work during any one day is not continuous but is divided into two or more periods all such periods shall fall within ten consecutive hours Provided that females engaged in the canning of perishable fruits and vegetables and females other than nurses in hispitals incorporated under the nonprofit act of this Commonwealth may be employed or permitted to work not more than six days in any one week or not more than fifty-four hours in any one week or not more than ten hours in any one day except that the maximum daily hours of work of female hospital employes as herein defined shall not exceed nine and if the work during any one day is not continuous but is divided into two or more periods all such periods shall fall within twelve consecutive hours And provided further That one full day of rest in seven may be subdivided into two days of twelve hours each for women employes in hotels operated not more than four and one half months in any one year and in charitable educational and relgious institutions at the discretion of the Industrial Board of the Department of Labor and Industry [Provided That during weeks in which a legal holiday occurs and is observed by an establishment any female may be employed by such establishment during three days of such

week for a longer period of time than is allowed by this act but no female shall be permitted to work more than two hours overtime during] [any one of such three days nor more than the maximum hours per week specified in this act

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the Commissioner of Labor and Industry but no female shall be permitted to work more than two hours overtime during any one day nor more than the maximum number of hours per week specified in this act Provided That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products And provided further That the one day of holiday in seven may be subdivided into two days of twelve hours each for women employes in hotels boarding houses and in charitable educational and religious institutions at the discretion of the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to effect or impair the remaining provisions of this section]

(b) Whenever any female shall be employed or permitted to work in or in connection with more than one establishment in any one week or in any one day the aggregate number of hours during which she shall be employed or permitted to work in or in connection with such establishments shall not exceed [the number of hours prescribed in this section for such females] forty in any one week or eight in any one day

(c) Nothing in this section or any other provisions of this act shall apply to the employment of females in agricultural field occupations or in domestic service in private homes nor shall any provision of this act which relates to the regulation of hours of employment]The provisions of this section shall not] apply to the work of nurses in hospitals or to the work of females over twenty-one years of age earning at least twenty-five dollars a week in executive positions professions or as court stenographers

(d) It shall be unlawful for any female to be employed or permitted to work in any occupation dangerous to life or limb or injurious to the health or morals as such occupation shall from time to time be determined and declared by the Industrial Board

Section 3 That section six of said act be and the same is hereby repealed

Section 4 That section seven of said act is hereby amended to read as follows

Section 7 No female shall be employed or permitted to work for more than [six] five hours continuously in or in connection with any establishment without [an interval of at least forty-five minutes] a meal or rest period of at least thirty minutes which period shall not be considered a part of the hours of labor and no period of less than [forty-five] thirty minutes shall be deemed to interrupt a continuous period of work [Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment for less than eight hours in any one day the interval between work periods may be reduced to not less than thirty minutes]

Employees shall not be required to remain in the workrooms during the meal or rest periods required by this section

Section 5 That section thirteen of said act is hereby amended to read as follows

Section 13 Every person employing or permitting any female to work in any establishment shall keep posted in a conspicuous place in the room where such female shall be employed or permitted to work a printed abstract of the provisions of this act and a schedule of the hours of labor of such female Provided That when any female shall be employed or permitted to work in more than one room in any establishment the aforesaid abstract and schedule shall be required in only one of the said rooms If any female shall be employed or permitted to work in connection with any establishment but not in such establishment the aforesaid abstract and schedule shall be kept posted in a conspicuous place in the office of such establishment

The schedule of hours of labor herein required shall contain [the name of the female employed or permitted to work the] maximum number of hours [such] each female shall be required or permitted to work on each day of the week with the total for the week the hours of commencing and stopping work and the hours when the time allowed for [meals] meal or rest periods shall begin and end for each day of the week If more than one schedule of hours is in operation in or in connection with any establishment the posted schedule shall also contain the names of the female employes working on the different shifts and shall clearly indicate the hours required of each female or group of females [Such female] females may begin work after the time for beginning and stop before the time for ending work stated in each schedule but [she] no female shall [not] otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule

The [Commissioner] Department of Labor and Industry shall prepare the abstract of the provisions of this act and a form for the schedule of hours of labor required by this section Copies of such abstract and such form shall be printed in accordance with the laws of this Commonwealth regulating printing and publishing [under the supervision of the Superintendent of Public Printing and Binding] and the [Commissioner] Department of Labor and Industry shall supply the same upon application to all persons required to post the abstract and schedule aforesaid Said schedule shall remain the property of the Department of Labor and Industry

Section 6 That section seventeen of said act as amended by the act approved the eighteenth day of April one thousand nine hundred twenty-nine (P. L. 617) is hereby further amended to read as follows

Section 17 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace [who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days] and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I ask unanimous consent to amend section 3, page 3, line 27 by striking out the word: "ten" and insert in lieu thereof the word: "fourteen"; amend section 3, page 3, line 28 by inserting after the word "hours" the following: "Provided that at Christmas, inventory and at other peak times, for a period not to exceed two weeks in the first six months of the calendar year and not to exceed two weeks in the sceond six months, females over eighteen years of age may be per-

mitted to work not more than six days and not more than fifty hours in the weeks so selected but not to exceed ten hours in any one day of such weeks, under regulations adopted by the Department for such work and in all such cases the same peak periods shall cover all departments of the establishment and further provided that female telephone and telegraph operators may in cases of emergency which would result in interruption or impairment of services to the public, be employed in excess of the hours herein stipulated and further"; amend section 3, page 4, line 1, by inserting after the word "canning" the following: "and packing"; amend section 3, page 4, lines 8 to 11 inclusive by striking out the following: "and if the work during any one day is not continuous but is divided into two or more periods all such periods shall fall within twelve consecutive hours"; amend section 3, page 4, lines 14 and 15 inclusive by striking out the following: "operated not more than four and one-half months in any one year and in"; amend section 3 (b), page 6, line 2 by striking out the word: "forty" and inserting in lieu thereof: "forty-four"; amend section 7, page 6, line 24 by striking out the word: "five" and inserting in lieu thereof "six"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 248 (House Bill No. 140), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvaia by adding thereto a section.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I again feel it my duty to call the attention of the Senate to the fact that this is a joint resolution authorizing the bonding of the State for $42,000,000 for rehabilitating State institutions. I think it is a fair question to ask why it is necessary to borrow $42,000,000. when President Roosevelt very kindly presents us with $20,000,000, and we have a State Authority which will issue at least $39,000,000 in additional bonds for this same purpose of rehabilitating State institutions. It seems to me that we ought not carelessly endorse a bond issue for $42,000,000 at this time.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provivions of the Constitution, and were as follows, viz:

YEAS—31

Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Rupp,
Dando,	Henney,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Scarlett,
DiSilvestro,	Kahle,	Owlett,	Sipe,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Huffman,
Gelder,	Lanius,	Rice,	

NAYS—7

Chapman,	Ealy,	Pierson,	Woodward,
Deitrick,	Homsher,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. WOODWARD. Mr. President, I would like to state this fact. I kept tally on the roll call and there was not a constitutional majority who were in their places and voted "aye." The names were called with no response, and I think that is a very miserable way to conduct a vote for $42,000,000, with not attention being paid by the Senate and the clerk reporting a constitutional majority when it is not true. I think it is only fair that the Chairman of the Committee on Appropriations would explain why we would have to pass this joint resolution for $42,000,000.

The PRESIDENT. The comments made by the Senator with respect to the Senators not answering to their names, I think, is very correct, but it very probably is not true that they have not considered the bill. The Chair would advise the Senators to respond to their names, so that it would facilitate the work being done.

Mr. WOODWARD. Mr. President, I do not want to be discourteous to the Chairman of the Committee on Appropriations, but I think he should favor us with a little explanation of why we would have to borrow $42,000,000.

The PRESIDENT. It is a closed incident; the matter is settled.

Mr. WOODWARD. Mr. President, I have nothing more to say, then.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 289 (House Bill No. 150), entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one. (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Gilson,	Mallery,	Rodgers,
Buckman,	Henney,	McCreesh,	Rupp,
Cavalcante,	Heyburn,	McGinnis,	Ruth,
Chapman,	Homsher,	Mundy,	Salus,
Dando,	Jaspan,	Owlett,	Scarlett,
Deitrick,	Kahle,	Pierson,	Sipe,
DiSilvestro,	Kilgallen,	Pytko,	Stiefel,
Ealy,	Kunkel,	Rankin,	Thompson,
Eroe,	Lanius,	Reed,	Woodward,
Frey,	Law,	Rice,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, that the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 406, entitled:

And Act making an appropriation to the Local Government Commission to continue its work

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Mr. RICE. Mr. President, I ask unanimous consent to amend Section 1, line 4, by striking out after the bracket the word "ten" and on line 5 the words "ten thousand dollars" ($10,000) and inserting in lieu thereof the words "five thousand" ($5,000).

The PRESIDENT. Is there objection?

The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

MOTION TO RECOMMIT

Mr. MALLERY. Mr. President, I move that Senate Bill No. 406, be recommitted to the Committee on Appropriations.

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. RICE. Mr. President, I desire to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. RICE. Mr. President, may I ask the purpose of sending this bill back to the committee on Appropriations?

Mr. MALLERY. Mr. President, because I have been told that $5,000. would be no sum, or would not be sufficient at all to carry on this work. I think the Senate realized that, and if we are not going to have an adequate sum, we might as well have none at all.

Mr. RICE. Mr. President, if I am correctly informed, this Local Government Commission that was appointed two years ago held a number of hearings over the State collecting a mass of material and submitted some recommendation to this Legislature. The work has been started and I do not think the work should be discontinued, and I might add that if I am correctly informed, this committee has spent $5,000. during the past biennium, and I think that the work can be ably continued with $5,000. for the next biennium. For this reason I suggest that the Senate do not send this bill back to the Appropriations Committee.

Mr. WOODWARD. Mr. President, may I ask the Chairman of the Committee on Appropriations what was the amount of the appropriation asked for?

Mr. RICE. Mr. President, ten thousand dollars and the committee has spent to date less than $5,000. of that $10,000.

The PRESIDENT. Does the Senator from Blair, Mr. Mallery, insist upon his motion?

Mr. MALLERY. Mr. President, I do not insist upon my motion.

Mr. WOODWARD. Mr. President, I withdraw my second.

The PRESIDENT. The Chair understands that the motion is withdrawn.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and conderation of Senate Bill No. 486, entitled:

An Act to further amend section nine of the act, approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" making additional provision for the filing of tax claims

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Gilson,	Mallery,	Rodgers,
Buckman,	Haluska,	McCreesh,	Rupp,
Cavalcante,	Henney,	McGinnis,	Ruth,
Chapman,	Heyburn,	Mundy,	Scarlett,
Dando,	Homsher,	Owlett,	Shapiro,
Deitrick,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Ealy,	Kilgallen,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Woodward,
Frey,	Lanius,	Rice,	Huffman,
Gelder,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 566, on third reading, entitled:

An Act relating to the collection of county borough town township school and poor taxes in boroughs towns and townships providing for the fixing of the compensation or salary of tax collectors and township treasurers acting as tax collectors imposing certain costs and expenses including premiums on bonds and the compensation of certain deputies and clerks on taxing districts providing for a joint fidelity bond for all tax collectors and township treasurers and providing for the delivery of duplicates to successors in office in certain cases

be recommitted to the Committee on Municipal Government.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 585, entitled:

An Act providing for the establishment of a State Youth Commission and local Youth Commissions and prescribing their powers and duties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Cavalcante,	Jaspan,	McCreesh,	Rodgers,
Dent,	Kahle,	McGinnis,	Rupp,
DiSilvestro,	Kilgallen,	Mundy,	Ruth,
Frey,	Kunkel,	Pytko,	Sipe,
Gilson,	Lanius,	Rankin,	Stiefel,
Henney,	Law,	Reed,	Thompson,
Heyburn,	Mallery,	Rice,	Huffman,
Jacobs,			

NAYS—12

Bean,	Ealy,	Howell,	Salus,
Chapman,	Gelder,	Owlett,	Scarlett,
Deitrick,	Homsher,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 593 (House Bill No. 645), entitled:

An Act to authorize cities boroughs towns townships counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks playgrounds streets and other improvements and facilities by exercising certain other [illegible] authorize cities boroughs towns townships and counties to contract with respect to the sums to be paid them for improvements services and facilities to be provided for the benefit of housing projects and the occupants thereof to authorize certain cities and counties to make an appropriation for the first years' administrative expenses of housing authorities and to authorize certain cities boroughs towns and counties to pay moneys to housing authorities

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Jacobs,	McCreesh,	Rodgers,
Dent,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Sipe,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,	Reed,	Woodward,
Haluska,	Law	Rice,	Huffman,
Henney,	Mallery,		

NAYS—11

Bean,	Ealy,	Howell,	Salus,
Chapman,	Gelder,	Owlett,	Scarlett,
Deitrick,	Homsher,	Pierson,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 642, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase condemnation or otherwise for State Park purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, may I politely ask the Chairman of the Appropriations Committee, who has just given $5,000. for the improvement of local government, how much he is giving for the acquisition of a State Park—I do do not want to embarrass him.

The PRESIDENT. The Senator from Pihladelphia can discover that by looking at the bill.

Mr. WOODWARD. In the first place, I do not see what authority the Chairman of another committee has to pass upon an appropriation bill. I would like to ask what is the amount of this appropriation for the State Park?

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, answer the Senator?

Mr. KAHLE. Mr. President, what do you want to know?

Mr. WOODWARD. Mr. President, I would like to know what the Chairman of the Committee on Public Health—how can you appropriate money for a state park?

Mr. KAHLE. Mr. President, it was not handled in my committee.

Mr. WOODWARD. Mr. President, I want to know the amount.

Mr. KAHLE. Mr. President, fifty thousand dollars. Mr. President, this appropriations was asked for after consulting with the Secretary of Forests and Waters. It is to

purchase a block of land, within the state park known as Cook's Forest. In the northern part of Clarion County, there is located over 7,000 acres of primeval forests. In 1927, by a donation and by an appropriation of the legislature, it was taken over. The donation raised $200,000, and the Legislature appropriated $400,000, to purchase this pine forest. This forest contains over 7,000 acres of land taken on the beautiful banks of the Clarion river.

I was in the House at the time this land was purchased for a State Park and today this tract is practically self sustaining, and if we had enough cottages there, there would be no question about it. During the Sundays and week-ends as many as 6,000 people will be on that tract in one day. Now, the reason for this appropriations is this: when it was purchased by the State, there was a block of land covered with virgin pine, containing 180 acres, in the center of the tract owned by an individual, and which could not be purchased. Now the time has come when these 180 acres of land can be bought. The lumbermen have an option on it and they will give $40,000, for it. The timber is worth it and after that 180 acres of pine is taken out, it will supply gas for many years especially wells. I know the wells that have been producing there, and it is for the purchase of this and not allowing the lumberman to go into the heart of that part and cut away that 180 acres of virgin pine that we want this appropriation. If you want to enjoy yourself, go to Cook's Park. I am not asking too large an appropriation, and there is not a man who enjoys the outdoors who should not go and see that beautiful park, and I am sure if he wuld see it he would not allow them to cut down that beautiful pine.

Mr. WOODWARD. Mr. President, I have heard the clarion call of Dr. Kahle and I have no doubt of the beauty of Cook's Park; but what I object to is the way $50,000, is taken from the taxpayers. I do not see what authority the Committee on Forests and Waters had to appropriate $50,000, nor do I see, with all due respects, what the Chairman of the Committee on Public Health had to do with the appropriation of $50,000.

MOTION TO RECOMMIT

I, therefore, move that this bill be recommitted to the Committee on Appropriations.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. KAHLE. Mr. President, I object.

Mr. WOODWARD. Mr. President, may I interrogate the the Chairman of the Committee on Appropriations?

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. WOODWARD. Mr. President, I would like to ask the Senator from Adams whether there are other examples of appropriations that do not go to that Committee?

Mr. RICE. Mr. President, I believe that this is the first bill that I recall that has been up for passage that has not been in the appropriations committee.

Mr. WOODWARD. Mr. President, does the Senator from Adams believe that this is the proper way to appropriate the taxpayers money?

Mr. RICE. Mr. President, I did not refer this to the Committee on Appropriations.

Mr. WOODWARD. Mr. President, is the Senator willing to have this bill recommitted?

The PRESIDENT, the question is on the motion to recommit.

Mr. GILSON. Mr. President, this particular bill was reported from the Committee of which I happen to be Chairman. It was not reported until it had been discussed with the Secretary of the Budget, the Department of Forests and Waters and in the Appropriations Committee. I cannot see the necessity of some of the technique in either defeating or successfully passing an item of appropriation. I believe and I am sure that the Committee believes, that there will be no more worthy item of appropriation in this Legislature of 1937 than the proposition by the Senator from Clarion. I am personally familiar with the tract of land and with the forests described. I think the sole question is a desirable appropriation in order to preserve for all times a possession that would be worth the item of this appropriation. I know there are those who do not feel sufficiently familiar as to the nature of this transaction, but I think we should go ahead and pass this bill as reported.

Mr. KAHLE. Mr. President, I am somewhat amazed, yet I realize why the Senator from Philadelphia, Dr. Woodward, has made objection to this. Today the Senator from Philadelphia is in the same position in the Senate as I was in the House. Today the Senator from Philadelphia, is one of 16 Senators; at the time this appropriation was passed in the Legislature in 1927, I was one of 16 Democrats in a Republican Legislature, and the Republicans at that time knew what they were doing and passed the legislation without hesitation, and I am surprised that they will revert to that, because it is the same man who is now asking only for the protection of what we already have. Members of the Senate, why should they be allowed to go into the heart of that forest and cut out 180 acres of that beautiful pine? What will we do to protect it? We have our money invested, you are only purchasing and you are getting full value. Are we going to let the lumber company go in and ruin our park? I say to you that if they are able to double the amount of cabins, that tract will be self-sustaining and they are working to that end now as far as they can.

And the question, recurring

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Haluska,	McCreesh,	Salus,
Cavalcante,	Henney,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
Dent.	Jaspan,	Owlett,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Huffman,
Gelder,	Law,	Rupp,	

NAYS— 6

Chapman,	Homsher,	Pierson,	Woodward,
Heyburn,	Jacobs,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 650, entitled:

An Act relating to weights and measures regulating the weights and deliveries of commercial laundries performing selling or offering for sale laundry services on the basis of weight and providing penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. STIEFEL. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 675, as follows:

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones conferring additional powers and duties upon the Department of Revenue counties municipalities and certain persons firms and corporations including public service companies restricting remedies and providing additional remedies making an appropriation from the Motor License Fund and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title This act shall be known and may be cited as "The Air Space Zoning Law"

Section 2 The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Aircraft" means any contrivance now known or hereafter invented used or designed for navigation of or flight in the air except a parachute or other contrivance designed for such navigation but used primarily as safety equipment

"Airport" means any locality either of water or of land which is adapted for the landing and taking off of aircraft including State municipal and licensed airports as herein defined landing fields when and if dedicated to such use and intermediate landing fields

"Approach Zone" means that air space above the property of owners as herein defined dedicated by this act as an unrestricted avenue whereby aeronauts and the air-traveling public may land at any airport or take off therefrom at a gliding angle computed from the boundaries of the airport in the ratio of fifteen feet forward for each foot of descent or ascent as the case may be and the lower boundaries of each such approach zone shall be the hypotenuses of imaginary right triangles the bases of which are horizontal lines beginning at each boundary of any airport and extending on the owners' lands at right angles from all points on every such boundary and at the same altitude with reference to sea level for a distance of one thousand and fifty feet and the remaining sides or altitudes of which are verticle lines extending perpendicularly from the terminii of said horizontal base lines seventy feet into the air whence such hypotenuses extend to the points of beginning of such base lines

"Department" means the Department of Revenue of this Commonwealth acting by and through the Division of Aeronautics

"Licensed Airport" means any airport as herein defined other than a State or municipal airport which is licensed as an airport by the Department of Revenue in accordance with the provisions of existing laws

"Municipal Airport" means any airport as herein defined owned maintained or operated by any county city borough incorporated town or township within this Commonwealth

"Obstruction" means any object which might conceivably interfere with the operation of aircraft in taking off or landing from any airport as herein defined including trees rocks or other natural obstacles smoke stacks flag poles elevated tanks radio station towers buildings or other structures Provided however That any fence or other structure less than four feet in altitude shall not be deemed an obstruction within the provisions of this act

"Owners" shall mean any person firm corporation partnership or association holding title to real property adjacent to any airport as herein defined the term owner shall also include the lessee or assignee of any owner as herein defined

"Person" means every natural person firm corporation partnership or association

"Secretary" means. the Secretary of Revenue of this Commonwealth acting in person or by and through the Chief of the Division of Aeronautics or such other employes of the department as may be duly authorized to act in his place and stead

"State Airport" means any airport as herein defined owned maintained or operated by the Commonwealth of Pennsylvania through the Department of Revenue

Section 3 Approach Zones Created For the purpose of promoting the safety of the air-traveling public and of rendering airports now or hereafter established accessible to aeronauts and to insure the future development of aeronautics within this Commonwealth approach zones are hereby created over land or water adjacent to any airport

Section 4 Existing or Future Obstructions within Approach Zones Prohibited Except as hereinafter provided it shall be unlawful for any person to maintain any existing obstruction or erect any future obstruction on land or water adjoining any airport which invades the approach zone

Section 5 Removal of Existing Obstructions Non-conforming Use Within thirty days after the effective date of this act any owner upon whose property exists any obstruction which invades any approach zone may file an application with the department for a certificate of non-conforming use If in the opinion of the secretary the continued existence of the obstruction will not be hazardous to the air-traveling public at the time such application is made he may grant the applicant owner a certificate of non-conforming use which will entitle the owner to maintain the obstruction without being subject to any of the penalties of this act Provided however That such certificate shall be revocable by the department upon three months' written notice The secretary shall also have the authority to grant certificates of non-conforming use upon his own motion without any application by the owner

Section 6 Removal of Existing Obstructions Upon refusal by the secretary to grant a certificate of non-conforming use or upon failure of the owner to make application for such a certificate it shall become the duty of the owner to remove any obstruction within three months after the effective date of this act If the owner neglects fails or refuses to remove the obstruction the department may refer the matter to the Department of Justice for the institution of proceedings at law or in equity to compel the removal of the obstruction The municipality owning any municipal airport and the person owning any licensed airport shall also have the power and authority to institute proceedings at law or in equity to compel the removal of any obstruction within the approach zone of the particular municipal or licensed airport involved The owner shall also be guilty of a misdemeanor and upon conviction thereof shall be sentenced

to pay a fine of not more than one thousand dollars ($1,000.00) and undergo imprisonment of not more than thirty days or both

Section 7 Compensation for Removal of Existing Structures The department acting with respect to State airports and any municipaity or person owning a municipal or licensed airport shall be authorized to enter into agreements with the owner of an existing obstruction the removal of which is necessary under the provisions of this act for compensation to be paid to the owner by reason of such removal If the owner and the department municipality or person owning any licensed airport are unable to agree as to the price to be paid then the owner shall have the right to bring an action in assumpsit in the court of the county wherein the obstruction is situated for the purpose of having that court with or without a jury determine what amount the Commonwealth municipality or person owning the airport should pay for the removal of an existing obstruction The court shall compute the present value of the obstruction to be removed on the basis of its replacement cost less depreciation in no event shall loss of business or anticipated profits be considered as elements of damage Either party shall have the right of appeal to the Supreme or Superior Court from the final judgment of the court of common pleas

Section 8 Future Obstructions Prohibited Compensation for Interference with Use of Property After the effective date of this act no owner shall be entitled to any damages whatsoever for any obstructions thereafter erected which invades the approach zone and all such obstructions shall be removed forthwith in accordance with the provisions of this act relating to existing obstructions However where the owner believes that the reasonable and lawful use of his property existing at the time the airport was established is interfered with by the take off and landing of aircraft he shall be entitled to negotiate with the department on behalf of the Commonwealth and with the municipality or person owning the municipal or licensed airport in order to enter into agreements for compensation for such interference and the department and respective municipalities and persons are hereby authorized to enter into such agreements In the event that the owner and the department or municipality or person owning the airport cannot agree then the owner shall have the opportunity to present his claim in an action of assumpsit in the same manner as is herein provided for determining the amount of compensation to be paid for the removal of existing obstructions

Section 9 Commonwealth Compensation to Be Paid from Motor License Fund The amounts agreed upon as to State airports between the department and owners or public service companies or the amounts of any final judgments or rulings awarding compensation to owners or such companies under the provisions of this act shall be paid from moneys in the Motor License Fund appropriated by law to the department for the purpose of purchasing and acquiring in the name of the Commonwealth of Pennsylvania air navigation facilities

Section 10 Removal of Facilities of Public Service Companies Whenever the provisions of this act may require the removal of the facilities of any public service company such company may place such facilities into underground conduits The department acting on behalf of the Commonwealth and the municipality or person owning any municipal or licensed airport as the case may be are hereby authorized to enter into agreements with the public service company to contribute toward the expense resulting from such removal of public service company facilities In the event that the department municipality or person owning the airport as the case may be and the public service company are unable to agree on the amount to be paid the matter shall be referred to the Pennsylvania Public Utility Commission which shall after hearing make a finding establishing the amount to be paid to the public service company if any Either party shall have the right to appeal to the Superior Court of Pennsylvania from the ruling of the commission

Section 11 Limitations The right of the owner to apply from compensation in connection with the use of the air space over and above his land for take off or landing of aircraft shall cease two years after the first take off or landing from the airport in question has occurred Provided however That the two-year limitation within which a claim may be brought shall not commence to run against any owner whose property is adjoining to any existing airport until the effective date of this act

Section 12 Restraining Suits in Equity From and after the effective date of this act no owner shall be entitled to bring in any court of equity within this Commonwealth any action to restrain the take off or landing of aircraft within the approach zones created by this act and no court shall take jurisdiction of any such action Provided however That nothing in this section shall be construed to limit the right of the owner to bring an action of treaspass for damage caused by forced or emergency landing upon his property or for any other damage caused by actually and tangibly breaking the close

Section 13 Interpretation of Act The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 14 Repeal The act approved the first day of May one thousand nine hundred thirty-five (Pamphlet Laws one hundred twenty-eight) entitled "An act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field" and all other acts and parts of acts inconsistent herewith are hereby repealed

Section 15 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I would like to ask the sponsor of this bill if this is not a diversion from the Motor Fund for other than highway purposes?

Mr. DiSILVESTRO. Mr. President, I cannot answer that. I know this is a bill for the provision of equipment and buildings or the removal of obstacles in zones that the Aeronautic Department has set up.

Mr. OWLETT. Mr. President, is it not a fact that it makes an appropriation from the Motor Fund for something other than the improvement of highways?

Mr. DiSILVESTRO. Mr. President, do they not contribute to the fund—they use gasoline.

Mr. WOODWARD. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. DiSilvestro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. DiSilvestro, permit himself to be interrogated?

Mr. DiSILVESTRO. Mr. President, I will be glad to answer the Senator from Philadelphia, Mr. Woodward, if he wants to ask a question, but if he intends to embarrass me I am not answering the question.

Mr. WOODWARD. Mr. President, not at all. Is this money to be appropriated to the State Aeronautics Commission?

Mr. DiSILVESTRO. Mr. President, yes, it is.

Mr. WOODWARD. Mr. President, if the Senator will turn to page 9, he will find that the State Aeronautics Commission is out of business.

Mr. DiSILVESTRO. Mr. President, well, we intend to give this money to the Aeronautics Commission anyway.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Cavalcante,	Kahle,	Mundy,	Shapiro,
DiSilvestro,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Reed,	Sones,
Gilson,	Lanius,	Rice,	Stiefel,
Henney,	Law,	Rodgers,	Thompson,
Huffman,	McCreesh,	Ruth,	Woodward,
Jaspan,	McGinnis,		

NAYS—14

Bean,	Ealy,	Howell,	Pierson,
Buckman,	Gelder,	Mallery,	Salus,
Chapman,	Heyburn,	Owlett,	Wolfenden,
Deitrick,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MUNDY. Mr. President, I ask unanimous consent that Senate Bill No. 776 on third reading entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium, wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from, State penal and correctional institutions; empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions; eliminating the office of business manager in State institutions under the Department of Welfare; authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals; authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment, and to make periodical surveys of the buildings, equipment, land, and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; making further provision for bid performance bonds of bidders for State contracts; extending the scope of the work of the State Park Commission; further regulating purchases made directly by departments, boards and commissions; requiring counties to pay compensation and expenses of special attorneys in criminal cases; authorizing the Governor to grant commissions to State pilots; providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth; providing for the promulgation of rules and regulations by, and enlarging the powers of, the Department of Forests and Waters and the Water and Power Resources Board; further regulating the maximum price that may be paid for land acquired for State forestry purposes; prescribing the membership and powers and duties of the State Park Commission; creating and prescribing the powers and duties of Regional State Park Boards; eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes; eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor, the Pennsylvania Game Commission; eliminating the Public Service Commission of the Commonwealth of Pennsylvania, and extending the provisions of the Code to its successor, the Pennsylvania Public Utility Commission; transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue, and the State Board of Undertakers from the Department of Public Instruction to the Department of Health; eliminating the State Aeronautics Commission, the Pennsylvania Alcohol Permit Board, and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives, and the Anatomical Board; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 794 (House Bill No. 647), entitled:

An Act to promote public health, morals, safety and welfare by providing for the supervision and encouragement of housing; creating a State Board of Housing, a departmental administrative board within the Department of Health; providing for the organization of the board, the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise the operations of limited dividend housing companies and housing authorities and their members and employees, commence actitns to prevent violations of law and to surcharge members of authorities, supervise rentals charged by limited dividend companies, charge fees for services, providing for the selection and removal of the board's employees, providing for appeals from its orders; and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bean,	Huffman,	Mallery,	Rupp,
Cavalcante,	Jacobs,	McCreesh,	Ruth,
DiSilvestro,	Jaspan,	McGinnis,	Shapiro,
Frey,	Kahle,	Mundy,	Sipe,
Gilson,	Kilgallen,	Pytko,	Sones,
Henney,	Kunkel,	Reed,	Stiefel,
Heyburn,	Lanius,	Rice,	Wolfenden,
Howell,	Law,	Rodgers,	Woodward,

NAYS— 7

Buckman,	Deitrick,	Gelder,	Pierson,
Chapman,	Ealy,	Homsher,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 836 (House Bill No. 455), entitled:

An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred seventy-nine) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as amended increasing the compensation of members of the General Assembly

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Cavalcante,	Jacobs,	Law,	Rice,
DiSilvestro,	Jaspan,	McCreesh,	Rodgers,
Frey,	Kahle,	McGinnis,	Rupp,
Gilson,	Kilgallen,	Mundy,	Shapiro
Henney,	Kunkel,	Pytko,	Sipe,
Howell,			

NAYS—19

Bean,	Gelder,	Mallery,	Salus,
Buckman,	Heyburn,	Owlett,	Sones,
Chapman,	Homsher,	Pierson,	Wolfenden,
Deitrick,	Huffman,	Reed,	Woodward,
Ealy,	Lanius,	Ruth,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILLS OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 837 (House Bill No. 753) on third reading entitled:

An Act to promote public health, safety, morals, and welfare, by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers including the acquisition of property by purchase, gift, or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds and other obligations and giving security therefor; prescribing the remedies of obligees of housing authorities, authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE. Mr. PRESIDENT, I move that the remaining bills on third and second reading, go over in their order.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1651

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1651, entitled:

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employers' Retirement Law," as amended, further defining State employes; providing for retirement allowances where all back deductions have not been paid; specifying when State employes shall join the system; imposing certain duties on the heads of agencies of the State government; fixing the liability of certain special operating funds; further regulating retirement rights, retirement allowances, withdrawals and the computation of service allowances; imposing certain duties on the board; and providing for contributions by members.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 185

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives,

Resolved (if the Senate concur), That House Bill No. 185, printer's number 508, entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial distict. be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Represenatives accordingly.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1651, entitled:

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employers' Retirement Law," as amended, further defining State employes: providing for retirement allowances where all back deductions have not been paid; specifying when State employes shall join the system; imposing certain duties on the heads of agencies of the State government; fixing the liability of certain special operating funds; further regulating retirement rights, retirement allowances, withdrawals and the computation of service allowances; imposing certain duties on the board; and providing for contributions by members.

Senate Bill No. 756, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by providing penalties for any insurance company, association or exchange which exceeds the powers granted under a certificate of authority.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL from the Committee on City Government reported as amended, Senate Bill No. 728 (House Bill No. 1303) entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO from the Committee on City Government reported as committed, Senate Bill No. 1251, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Act No. 108), entitled, "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class," by making further provisions relative to the appointment of members of the said board.

Mr. MUNDY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY from the Committee on Public Health reported as committed, Senate Bill No. 799 (House Bill No. 1637) entitled:

An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by making further provision for the imposition of liability upon and the payment by individuals counties and poor districts of the cost of admission care and maintenance of mental patients and inebriates and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates or in lieu thereof the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none .

Mr. STIEFEL from the Committee on Judiciary General reported as committed, Senate Bill No. 1162, entitled:

An Act to amend the act aproved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws one thousand one hundred ninety-nine) entitled, "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare," providing for the conveyance of said tract to the General State Authority, for the construction of said hospital, and for the leasing thereof by the Commonwealth after construction.

Mr. JASPAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JASPAN from the Committee on Judiciary General re-reported as committed, Senate Bill No. 20, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverage and providing penalties and for the revocation of licenses and permits.

BILLS INTRODUCED

Mr. MUNDY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 1268, entitled:

An Act requiring certain candidates at primary elections to be enrolled as members of the political party whose nomination they seek.

Which was committed to the Committee on Elections.

Mr. PYTKO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 1269, entitled:

An Act to further amend Article VI of the act approved the seventeenth day of May one thousand nine hundred

and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sub-article VI (h) consisting of Sections 685 to 696 inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

Which was committed to the Committee on Insurance.

Mr. HOWELL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL read in his place and presented to the Chair Senate Bill No. 1270, entitled:

An Act to amend sections one and three of the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 32), entitled "An Act requiring recorders of deeds to prepare and keep, in their respective offices, general direct and ad sectum indexes of deeds and mortgages recorded therein; prescribing the duty of said recorders; and declaring that the entries in said general indexes shall be notice to all persons," by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

Which was committed to the Committee on Judiciary General.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 32, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 148, entitled:

An Act to amend the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred thirty) entitled, "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties," as amended, by further regulating the manufacture and sale of carbonated beverages and still drinks, changing the penalties prescribed and providing for injunctions in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 207, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 387, entitled:

A Further Supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled, "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural College"; and making appropriations for carrying the same into effect.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 503, (House Bill No. 814), entitled:

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal license or registration certificates to persons engaged in professions, trades or occupations requiring such renewals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 504 (House Bill No. 915), entitled:

An Act authorizing the Department of Public Instruction to fix the annual expiration date for licenses and registration certificates for professions, trades and occupations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 619 (House No. 931), entitled:

An Act regulating the sale, exchange, removal and installation of certain plumbing fixtures in cities of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 629, entitled:

An Act to further amend the act approved the fifth day of May, one thousand nine hundred and thirty-three

(Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain state departments, commissions, and officers; authorizing certain local public officers and state departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," further regulating the incorporation of nonprofit corporations; regulating, and extending and restricting in certain cases, the rights, responsibilities, authority and powers of such corporations and of the members thereof, and the creation, rights, powers and qualifications of the officers thereof; further providing for and regulating the merger or consolidation, and the dissolution of such corporations, and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 630, entitled:

An Act to further amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, three hundred sixty-four) entitled, "An act relating to business corporations, defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing th conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas, and certain state departments, commissions and officers; authorizing certain State departments, boards, commission or officers to collect fees for services required to be rendered by this act; imposing penalties, and repealing certain acts and parts of acts relating to corporations," re-defining authorized capital stock; eliminating certain approvals of articles of incorporation and certificates of authority; and further regulating the incorporation of business corporations and the amendments to the articles thereof; regulating and extending the rights, responsibilities, authority, powers and immunities of such corporations and of reorganized corporations and of the shareholders thereof and the rights, powers, qualifications and compensation of the officers thereof; providing for certificates of approval by the Department of State; further providing for and regulating the merger or consolidation and dissolution of such corporations; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 645, entitled:

An Act limiting the amount that water companies may charge boroughs for fire protection; and imposing duties on the Public Service Commission or its successor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 656 (House Bill No. 234), entitled:

An Act to re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," as amended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 711 (House Bill No. 77), entitled:

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 728 (House Bill No. 1303), entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 795 (House Bill No. 859), entitled:

An Act to further amend section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" by changing the requirements of medical educational institutions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 799 (House Bill No. 1637), entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by making further provision for the imposition of liability upon, and the payment by individuals, counties and poor districts of the cost of admission, care and maintenance of mental patients and inebriates; and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates, or, in lieu thereof, the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 807, entitled:

A Joint Resolution proposing an amendment to section one, Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 820, entitled:

An Act to further amend section one of the act approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled, "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by changing certain provisions as to transfer of structures and facilities of public service companies, providing for ascertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 822, entitled:

An Act regulating the admission of persons to the practice of law in this Commonwealth; establishing a commission and certain boards to investigate the character and fitness and to examine the general and legal educational qualifications of such persons; abolishing certain other boards heretofore established; authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; providing a remedy and imposing penalties; limiting the construction and interpretation hereof, and repealing all acts and parts of acts inconsistent herewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 842 (House Bill No. 1410), entitled:

An Act relating to the manufacture, repair, renovating, cleansing ,sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 889, entitled:

An Act to amend section six of the act approved the tenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled, "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," authorizing the State Board of Undertakers to permit licensed undertakers to conduct branches, chapels, funeral homes, or display parlors under trade names in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 964, entitled:

An Act to further amend section two thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the re-organization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of way or easements over State institution lands for public road purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 970 (House Bill No. 1400), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 973 (House Bill No. 1559), entitled:

An Act concerning vocational education providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress approved June eighth one thousand nine hundred and thirty-six entitled "An act to provide for the further development of vocational education in the several States and Territories" and conferring powers and imposing duties on the State Treasurer and the State Council of Education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 981 (House Bill No. 1775), entitled:

An Act to amend clause (g) section one thousand three hundred nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined "To authorize the Pennsylvania Historical Commission at its discretion to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 998, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by further regulating the incurring or refunding of indebtedness, the issuing of bonds by school districts, and the retiring of indebtedness; making payroll obligations preferential claims against the district; providing for penalties for failure to comply with any part of the act; and repealing provisions of state laws inconsistent with this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1080 (House Bill No. 1575), entitled:

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws ten hundred forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1085, entitled:

An Act providing for fixing minimum compensation for barber service in the several counties of this Commonwealth; conferring powers and imposing duties on the Department of Public Instruction; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1099 (House Bill No. 1474), entitled:

An Act to amend section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and

twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes theretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by permitting the revival of other than tax claims by a suggestion of non-payment and averment of default before or after judgment on scire facias.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1116, entitled:

An Act to amend section one of the act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws seven hundred fifty-nine) entitled, "An act granting the right and lawful authority to corporations to construct, operate, and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply, subject to the approval of the Water Supply Commission," extending the provisions of said act to additional corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1136, entitled:

An Act to provide for the regulation of the building, erection and maintenance of structures in along across over under projecting into or being in streams, lakes and other bodies of water, wholly or partly within or forming part of the boundary of this Commonwealth, providing for permits, fees and charges, conferring powers and imposing duties upon the Water and Power Resources Board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1146 (House Bill No. 1055), entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as added, prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments, prescribed for members of teaching and supervisory staffs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1162, entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one Pamphlet Laws one thousand one hundred ninety-nine) entitled, "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare," providing for the conveyance of said tract to the General State Authority, for the construction of said hospital, and for the leasing thereof by the Commonwealth after construction.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1167, entitled:

An Act to define and restrict the obligation of persons engaged on, connected with, or employed by certain newspapers, or press associations in testifying as to the source of information procured or obtanied by such persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1190 (House Bill No. 1186), entitled:

An Act authorizing school districts to make contracts of group life health and accident insurance for the benefit of pupils in vocational schools at the expense of the school district, defining the status of the school district and pupils under existing and future insurance laws and requiring school districts to make certain reports to the Department of Public Instruction.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1192 (House Bill No. 1324), entitled:

An Act to further amend section two thousand two hundred and twenty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as amended, by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of buildings in districts of the first class under certain circumstances and authorizing such school districts to provide for the payment of such additional allowances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consider-

ation of Senate Bill No. 1196 (House Bill No. 1524), entitled:

An Act to further amend the act approved the nineteenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled, "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering, regulating barber shops, barber schools and barber colleges and apprentices and students, therein, conferring certain powers and duties on the Department of Public Instruction and providing penalties," by modifying the provisions relating to barber schools the licensing of persons as barbers and the issuing of renewal student or apprentice permits, providing additional grounds for suspension and revocation of permits and registrations, discontinuing the use of the term "barber college" and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1208, entitled:

An Act to amend sections twelve and fourteen as amended of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled, "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to persons who have withdrawn from and returned to school service; and to persons who have separated from school service because of physical or mental disability.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1251, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Act No. 108), entitled, "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class," by making further provisions relative to the appointment of members of the said board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION GRANTING USE OF SENATE CHAMBER TO COMMITTEE ON HIGHWAYS FOR PUBLIC HEARING

Mr. McGINNIS offered the following resolution which was twice read, considered and agreed to:

Resolved that the Committee on Highways be given permission to use the Senate Chamber for public hearings upon immediate adjournment of the Senate today.

ANNOUNCEMENTS BY THE SECRETARY

The following Committees will meet:

Labor and Industry, Room 402, immediately upon adjournment.

County Government, Room 402, Tuesday, May 18th, 10:30 a. m.

Law and Order, Room 265, Thursday, May 13, 11:30 a. m.

Municipal Government, Room 402, Tuesday, May 18th, 11 a. m.

Forests and Waters, Room 400, Thursday, May 13th, 10 a. m.

Judiciary General, Room 302, immediately upon adjournment today.

State Government, Room 402, tomorrow, Thursday, May 13th, at 10:30 a. m.

Insurance, Tuesday, May 18th, 11:30 a. m.

Public Hearing on Senate Bills No. 815 and 1189, Senate Chamber immediately upon adjournment today.

Public Hearing Mines and Mining tonight, 7 o'clock Senate Chamber on Senate Bills No. 1069 and 1119.

Labor and Industry Committee will not hold its meeting scheduled for today.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:30 p. m. until twelve o'clock noon tomorrow, Thursday, May 13, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 12, 1937

The House met at 12:00 o'clock noon.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

Rev. FRANCIS SWIETEK, Pastor of Holy Trinity Church, Throop, Pa., offered the following prayer:

Let us pray. Our Father, Who are in Heaven, we ask Thy blessing upon our President and our nation.

We ask Thy blessing upon our Governor and all members of the Assembly. Give them Your spirit of wisdom and understanding. Through Jesus Christ our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. LEISEY the further reading was dispensed with and the Journal approved.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. COLEMAN, for the chairman, Mr. Downey, asked and obtained permission for the Committee on Mines to meet during the session of the House.

Mr. KANE, for the chairman, Mr. Caputo, asked and obtained permission for the Committee on Judiciary General to continue their meeting for another half hour.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

PENNSYLVANIA STATE BAR

A communication from James D. Heffner, Philadelphia, protesting passage of House Bill No. 1753.

Referred to the Committee on Judiciary General.

SALARY INCREASE

A resolution from the Allegheny County Retail Liquor Dealers Association urging salary increases for State Liquor Store Employes.

Referred to the Committee on State Boards.

HORSE RACING

A petition from the Union County Sabbath School Association protesting passage of horse racing bill.

Referred to the Committee on Ways and Means.

ELECTION CODE

A telegram from the Workers of American Sewing Project Local No. 1, protesting passage of House Bill No. 1792.

SABBATICAL LEAVE

A communication from the American Federation of Teachers urging passage of House Bill No. 338.

Referred to the Committee on Education.

FIREWORKS—BILL BOARDS

A communication from the Erie County Federation of Women's Clubs favoring passage of House Bills 1578 and 1448.

Referred to the Committee on Judiciary Special.

FIREWORKS

A petition from the North East Woman's Club favoring passage of House Bill No. 1578.

Referred to the Committee on Judiciary Special.

BILL REFERRED

By Mr. FALKENSTEIN. HOUSE BILL No. 2285.

A Joint Resolution authorizing the appointment of a commission to make a thorough investigation and careful analysis and study of the prior human conduct of persons convicted or serious crime, to determine the cause of the destruction of the conscience of such persons and the obliteration of their knowledge of right and wrong and requiring said commission to consider the advisability of having all the school children of this Commonwealth taught a simple code of ethics or a standard of conduct; requiring said commission to make a report to the Governor of its findings and its recommendations as to such legislation as may be necessary or desirable; authorizing the commission to employ such persons as are necessary; and making an appropriation.

Referred to the Committee on State Government.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 314. (HOUSE BILL No. 2287).

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases and defining the powers of the court in such cases.

Referred to the Committee on Judiciary General.

SENATE BILL No. 314. (HOUSE BILL No. 2287).

An Act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders.

Referred to the Committee on Railroads and Railways.

SENATE BILL No. 339. (HOUSE BILL No. 2288).

An Act to amend the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws 205) entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged" by making the same applicable to the surviving company in case of a merger and by modifying the limitations restrictions and conditions affecting the issue of stock and bonds.

Referred to the Committee on Railroads and Railways.

SENATE BILL No. 413. (HOUSE BILL No. 2289).

An Act to amend section six as amended in part, and section ten of the act approved the thirty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled, An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates;" further regulating the qualifications and examination of applicants for said certificates of qualification, and the employment of foremen and assistant foremen in such mines.

Referred to the Committee on Mines and Mining.

SENATE BILL No. 871. (HOUSE BILL No. 2290).

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by conferring on such counties the power to adopt ordinances and resolutions providing for the zoning and regulation of the location height bulk and use of buildings and other structures and of the uses of land and the requirement of building permits in the portions of counties lying outside of cities boroughs and town-

ships of the first class providing for the creation organization powers and duties of county zoning commissions and boards of adjustment imposing duties on the State Planning Board and on State officials departments and agencies and prescribing penalties.

Referred to the Committee on Counties.

SENATE BILL No. 872. (HOUSE BILL No. 2291).

An Act to amend article six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for county and regional planning and the creation and powers of county and regional planning commissions and imposing duties on certain city borough town and township authorities.

Referred to the Committee on Counties.

SENATE BILL No. 931. (HOUSE BILL No. 2292).

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 944. (HOUSE BILL No. 2293).

An Act to further amend section eleven of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by exempting certain organizations from the provisions of said act.

Referred to the Committee on Welfare.

SENATE BILL No. 950. (HOUSE BILL No. 2294).

An Act relating to the settlements of accounts of collectors of county taxes providing for procedure in such cases and for appeals to Courts of Common Pleas.

Referred to the Committee on Counties.

SENATE BILL No. 1007 (HOUSE BILL No. 2295).

An Act to add section four hundred seven and one-tenth to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositories in counties of the second class and defining their powers and duties.

Referred to the Committee on Counties.

SENATE BILL No. 1023. (HOUSE BILL No. 2296).

An Act to amend section six hundred and nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring certain existing corporations to comply with the provisions of the aforementioned act.

Referred to the Committee on Insurance.

SENATE BILL No. 1037. (HOUSE BILL No. 2297).

An Act to amend the title and section one as amended of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1364) entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines and providing a penalty" by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1042. (HOUSE BILL No. 2298).

An Act to amend section one thousand five hundred four of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provisions relating to advances out of apprppriations.

Referred to the Committee on Ways and Means.

SENATE BILL No. 1046. (HOUSE BILL No. 2299).

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts.

Referred to the Committee on Cities.

SENATE BILL No. 1052. (HOUSE BILL No. 2300).

An Act transferring money from the Manufacturing Fund to the General Fund.

Referred to the Committee on Appropriations.

SENATE BILL No. 1055. (HOUSE BILL No. 2301).

An Act authorizing the compounding compromising and settlement by the Department of Public Instruction with the approval of the Department of the Auditor General and the Department of Justices of prosecutions for the violation of the Act of Assembly relating to the licensing and registration of persons engaged in professions trades and occupations in the Department of Public Instruction.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1108. (HOUSE BILL No. 2302).

An Act requiring the consent of the electors of a township or any part thereof is to be annexed to a contiguous borough or city.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1130. (HOUSE BILL No. 2303).

An Act to further amend the act approved the fifteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 534) entitled "An act relating to motion-picture films reels or stereopticon views or slides providing a system of examination approval and regulation thereof and of the banners posters and other like advertising matter used in connection therewith creating the Board of Censors and providing penalties for the violation of the act" by prohibiting the possession of motion picture films reels or views not approved requiring permits in certain cases and increasing penalties.

Referred to the Committee on State Government.

SENATE BILL No. 1133. (HOUSE BILL No. 2304).

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof.

Referred to the Committee on Municipal Corporations.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. OSTROFF. RESOLUTION No. 82.

In the House of Representatives, May 11, 1937.

Whereas, Many of the fire, casualty, life and accident insurance companies have begun requiring questionnaires to be filed in by applicants for such insurance, so as to receive information as to the color, nationality and race of the applicant; and

Whereas, An opinion has been growing that certain companies refuse to issue policies to certain applicants simply because of their color, race or nationality; and

Whereas, The cost of industrial life insurance in particular, has and continues to be exceedingly exhorbitant; and

Whereas, It is difficult to understand how the question of color, race or nationality should be a factor in the determination of a risk; and

Whereas, If it is a question of morals, it should not be determined simply by excluding or rejecting certain persons because of their color, race or nationality; therefore be it

Resolved, That the Insurance Commissioner of Pennsylvania investigate whether there is any discrimination in the issuance of policies on the ground of color, race or nationality; and be it further

Resolved, That the Insurance Commissioner of Pennsylvania investigate the high cost of industrial life insurance in Pennsylvania to determine the reason for this continued high cost; and be it further

Resolved, That the Insurance Commissioner, if he finds there is discrimination, shall investigate the extent of such discrimination with a view toward refusing to allow companies which are discriminating the privilege of continuing to do business in Pennsylvania.

Referred to the Committee on Insurance.

By Mr. WESTRICK. (Concurrent) RESOLUTION No. 83.

In the House of Representatives, May 11, 1937.

Whereas, The Seventh World's Poultry Congress will be held in the United States in the early part of 1939, which will be its first meeting in the United States; and

Whereas, The United States is now the leading poultry producing and consuming nation of the world; and

Whereas, Pennsylvania ranks first among the states in the value of eggs produced, fourth in the value of chickens raised, fifth in the number of eggs produced, and seventh in the number of chickens raised; therefore be it

Resolved (if the Senate concur), That the Commonwealth of Pennsylvania hereby invites the Seventh World's Poultry Congress to hold its 1939 exhibition in Pennsylvania, and urges favorable consideration of this invitation because of the importance of Pennsylvania in the poultry industry and the suitable exhibition places which are available for such purposes in this State.

Resolved, That a copy of this resolution be transmitted to the committee in charge of the selection of the place for the holding of this exhibition by the Chief Clerk of this House.

Referred to the Committee on Agriculture.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 620.

An Act to authorize cities of the third class boroughs and townships to sue out writs of scire facias on certain municipal claims or to proceed to judgment upon writs of scire facias issued or to revive judgments on such claims where more than five years have elapsed since said claims were filed such writs of scire facias were issued or such judgments were entered or revived and to reduce such claims to judgment or to revive such judgment and providing for the revival and collection of such judgments and the liens thereof

HOUSE BILL No. 744.

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress approved the twenty-ninth day of June one thousand nine hundred thirty-five (Public No. 182 74th Congress)

HOUSE BILL No. 958.

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford Pike County Pennsylvania

HOUSE BILL No. 1284.

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation granting certain powers and authority to municipal sub-

divisions and agencies of the Commonwealth to cooperate with the Commission and authorizing the issuance of turnpike revenue refunding bonds

HOUSE BILL No. 1297.

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county city borough town school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property

HOUSE BILL No. 1464.

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such Board defining the powers of the Board and fixing the compensation of members and employes thereof providing that the awards of such Board shall be final providing for the payment of awards and authorizing an appropriation

HOUSE BILL No. 1467.

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation theerof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for the furnishing of the National Flag Code to certain pupils and for the use thereof

HOUSE BILL No. 1568.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eigthy-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associaciations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sections four hundred and twenty B (420B) four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts

HOUSE BILL No. 1608.

An Act to further amend clause fifty-three of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating contracts by boroughs

HOUSE BILL No. 1609.

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

HOUSE BILL No. 1774.

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. CHERVENAK asked and obtained permission for the Committee on Constitutional Amendments to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. DOUGHERTY, from the Committee on State Government, reported as committed, House Bill No. 1194, entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee, providing for the appointment of its members, and defining its powers and duties.

Mr. BROWN, from the Committee on State Government, reported as committed, House Bill No. 1086, entitled:

An Act to fix the compensation of the assistant custodians of the Senate chamber and the hall of the House of Representatives.

Mr. BURROWS, from the Committee on Agriculture reported as committed, House Bill No. 1894, entitled:

An Act relating to soil conservation, and soil erosion and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation.

Mr. FRANK P. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 151, entitled:

An Act to amend the act, approved the eleventh day of May, one thousand nine hundred and twenty-five (P. L. 561), entitled "An act to provide for the selection of jurors to serve in the several courts, criminal and civil, of counties of the second class, and defining the qualifications of such jurors; providing for the organization of a commission for the selection of jurors in such counties, and prescribing its powers and duties, and authorizing it to investigate as to the qualifications of prospective jurors; imposing the expense of maintaining and operating said commission upon said counties, and requiring the county commissioners to provide suitable quarters, equipment, and supplies; authorizing the employment of the necessary clerks and other employes, and providing for a salary board composed of the commission, the county commissioners and the controller of said counties, to fix the number and compensation of such employes; requiring county officers and board to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service; repealing inconsistent legislation; and prescribing punishment for the violation thereof," as amended, by extending the provisions of said act to counties of the third, fourth, fifth, sixth, seventh

and eighth class and repealing inconsistent and supplied legislation.

Mr. McKINNEY, from the Committee on State Government, reported as committed, House Bill No. 2113, entitled:

An Act providing for the reciprocal enforcement of violations of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey.

Mr. WEIDEMANN, from the Committee on Counties, reported as amended, House Bill No. 1650, entitled:

An Act creating in counties of the first class the position of Bail Commissioner; prescribing the powers and duties thereof and conferring and imposing such powers and duties upon the controllers of counties of the first class; providing for the appointment by such Bail Commissioner certain necessary clerks and employes and prescribing the duties and compensation thereof; imposing duties on judges of the Court of Quarter Sessions and Over and Terminer and upon magistrates in counties of the first class; prescribing offenses and providing penalties therefor.

Mr. BURROWS, from the Committee on Townships, reported as committed, House Bill No. 2244, (Senate Bill No. 813), entitled:

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens are of record against real estate acquired by the Commonwealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien.

Mr. MORAN, from the Committee on Townships, reported as committed, House Bill No. 2253, (Senate Bill No. 358), entitled:

An act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred and two A to the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," providing for and regulating the method of making appropriations, expenditures, contracts, employment, and purchases by the townships; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors, the Department of Highways, and the Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs: requiring auditors to file an annual report with such Department; conferring jurisdiction of certain cases upon aldermen, magistrates and justices of the peace; and providing penalties.

Mr. WESTRICK, from the Committee on Education, reported as amended, House Bill No. 1005, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring or refunding of indebtedness, the issuing of bonds by school districts, and the retiring of indebtedness; making payroll obligations preferential claims against the district; providing for penalties for failure to comply with any part of the act and repealing provisions of State laws inconsistent with this act.

BILL RE-REFERRED

Mr. NAGEL, returned from the Committee on Agriculture with the recommendation that it be re-referred to the Committee on Public Health and Sanitation, House Bill No. 1546, entitled:

An Act to further amend clause five of section three of the act, approved the thirteenth day of May, one thousand nine hundred and nine (P. L. 520), entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," requiring certain marks and identification for confectionery.

The SPEAKER. The bill is now referred to the Committee on Public Health and Sanitation.

RESOLUTIONS

Recalling House Bill No. 1779 from the Governor.

Mr. McGEE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), that House Bill No. 1779, Printer's No. 795, entitled "An act to amend section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws' to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

Recalling House Bill No. 369 from the Governor.

Mr. BROWN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), that House Bill No. 369, Printer's No. 509, entitled "An act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled 'An act for the government of cities of the second class' as amended by reducing the number of newspapers for official advertising," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. TUMELTY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. TUMELTY. Mr. Speaker in the Pennsylvania Real Estate Board's Legislative Bulletin, No. 60, page 2, the following article appears:

"H. R. No. 1757, our approved amendments to the Real Estate License Law, have not yet come from the Committee on State Boards of which Hon. Benjamin L. Long is Chairman. Just a few brokers, in their individual capacity, have succeeded in holding up this Bill. The time has come when we must act IMMEDIATELY, if it is to be reported out and passed at the present Session. Please let your own Representative and your Senator know that this Bill is wanted, WITHOUT ANY MUTILATION, by all the Real Estate Boards of Pennsylvania and that WE WILL NOT BE DENIED. Then concentrate whatever influence you possess to bring Representatives Flanagan, Hering, Long, O'Brien, and Tumelty into line. These five Philadelphia representatives are in sympathy with the efforts of certain individuals to weaken the Act—they need to be impressed with the fact that we know, better than they, what is needed to make the Act efficient."

Now, Mr. Speaker, I do not know whether the Pennsylvania Real Estate Board knows better than the members of the Legislature what should be and what should not be enacted into law. At any rate I have sat in conference with various real estate men throughout the State of Pennsylvania in my own time and tried to have them stop kidding one another and say what they want in this bill. Up to now there have been various real estate boards who did not agree with the bill the way it is. The other real estate boards have said, "Let us put this bill through and then we will put one through for you." I don't believe that I could be consistent after having objected to a paperhangers' license bill to stand up here and say that a real estate salesman should have to take an examination and be licensed.

If the Pennsylvania Real Estate Board think that they are the people that know it all, I want them to understand that I think I know just as much about legislation as they do and that I will not be driven by any magazine or other article which intends to drive me into supporting legislation to which I cannot subscribe.

The SPEAKER. The remarks of the gentleman under a question of personal privilege will be spread upon the Journal.

Mr. O'KEEFE in the Chair.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1003, entitled:

An Act to promote the general welfare by establishing a State Employment Authority to investigate causes of unemployment and provide productive work in factories and mines for the unemployed the products of which shall be distributed under the supervision of the authority to the unemployed and needy persons to cooperate with existing Federal and State agencies to relieve unemployment in the distribution of products and necessities to persons in need and in distress imposing a penalty and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. TRONZO. Mr. Speaker, I move that this bill be recommited to the Committee on Appropriations.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1214, entitled:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and demonstrators prescribing certain qualifications for examiners inspectors and supervisors making certain changes in the powers and duties of the Department of Public Instruction and in the procedure to be followed in the enforcement of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2232, (Senate Bill No. 708), entitled:

An Act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permits fees and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2119, entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims charges court costs and other expenses against the Commonwealth for the erection and construction of a reservoir at the State Industrial Home for Women at Muncy Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1563, entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henrietta E. Garrett deceased.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1976, entitled:

An Act requiring registration of all aircraft and airmen using the civil airways and air navigation facilities within the Commonwealth providing for the application and requirements for registration and the issue of certificates naming the Secretary of Revenue as agent for service of process authorizing the adoption of regulations by and imposing duties upon the Department of Revenue and providing for fees exempting penalties and the jurisdiction of the courts over violators.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1566, entitled:

An Act making an appropriation to the Department of Welfare for the purchase of materials to be used in making articles required at the State institutions in connection with sewing projects established in Pennsylvania by the Federal Works Progress Administration.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1147, entitled:

An Act making appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2264, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2136, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring medical inspectors to make eye and ear tests annually providing for the use of scientific apparatus furnished by school districts and providing for certain instructions in State teachers' colleges for the appointment of certain experts in the Department of Public Instruction and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2261, entitled:

An Act empowering cities of the third class to liquidate certain indebtedness of volunteer fire companies incurred for the purchase of fire engines or fire apparatus.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1633, entitled:

An Act relating to the recovery of taxes against a registered owner by mortgagees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1636, entitled:

An Act to amend section six hundred one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1001) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft and extending certain penalties to owners of aircraft.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 756, entitled:

An Act to amend section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 89) entitled "An act granting authority to the Courts of Common Pleas in the several counties of this Commonwealth to issue writs of estrepement to stay waste upon lands sold for taxes during the time provided for redemption" by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs' sales under tax or municipal claims.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1983, entitled:

An Act making an appropriation to the Department of Health to carry on the work of sealing abandoned coal mine openings.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1434, entitled:

An Act making a deficiency appropriation to the Department of Agriculture for reimbursing certain incorporated agricultural associations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 362, entitled:

An Act making an appropriation to the Woman's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2117, entitled:

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate taxes erroneously collected or overpaid into the State Treasury.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2263, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 611, entitled:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2205, (Senate Bill No. 894), entitled:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio, relative to the development, use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational and park purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2120, (Senate Bill No. 99), entitled:

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May, one thousand nine hundred and fifteen (P. L. 543) entitled as amended, "An act relating to the sale of goods and choses in action," by providing for the negotiation of documents of title.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1577, (Senate Bill No. 421), entitled:

An Act to validate indebtedness incurred by cities of the third class for the extension enlargement and improvement of the water-works of such city.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2038, entitled:

An Act to further amend the second paragraph of section one of article one of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An Act for the government of cities of the second class" by providing that the mayor shall receive no compensation other than his salary for acting as justice of the peace.

Ordered, To be laid aside for second reading.
And said bill having been read at length the first time,

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1163, entitled:

An Act to amend section two thousand five hundred and fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended providing for the sharing by the city county and school district of one-third each of the cost of purchase maintenance and repair of supplies and equipment needed by the tax collector.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1832, entitled:

An Act to amend section three of the act approved the eighteenth day of April one thousand nine hundred and nineteen (P. L. 70) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn" by providing for the admission in evidence of the protest of non-payment of checks drafts and orders.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1858, entitled:

An Act to amend section two thousand five hundred fifty-three as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class and regulating the premiums thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2241, (Senate Bill No. 1021), entitled:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer system; and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2248, (Senate Bill No. 945), entitled:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth; requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate, or copy thereof, to the City Council, the Mayor and the city Controller; making it the duty of the Council to appropriate and provide the sum so estimated to be required, and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2249, (Senate Bill No. 946), entitled:

An Act to amend section two of an act approved the sixteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws seventeen hundred and seventy-three) entitled "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled, 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale" by eliminating the requirement that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein, shall be deposited in the funds of such corporations for the redemption of bonds of said corporation, when the said bonds issued for the acquisition of such porperty or bonds refunding such original issue, shall have been redeemed and paid.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2240, (Senate Bill No. 1005), entitled:

An Act to amend section one of an act approved the thirtieth day of March, one thousand nine hundred and thirty-seven number forty-one entitled, "An act to amend section five A of Article nineteen of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled, 'An act for the better government of cities of the first class of this Commonwealth,' as amended by changing the number and method of appointment of the civil service commissioners in said cities," abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June, one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three).

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION

RECALLING HOUSE BILL No. 1129 FROM THE GOVERNOR

Mr. HERBERT B. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), that House Bill No. 1129, Printer's No. 514, entitled "An act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1071.

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, by striking out in line 6 the words "one member" and inserting in lieu thereof the words "two members;" also in lines 8 and 9 by striking out the words "and the Chief of Aeronautics of the Commonwealth."

Amend section 2, page 2, by striking out in line 20 the word "April" and inserting in lieu thereof the word "July."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Atkins,	Gorski,	Merrell,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Smith, John A.,
Baine	Haberlen,	Moomaw,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,

Balthaser,	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Muir,	Stackpole,
Blank,	Harkins,	Munley,	Stank,
Bohn,	Harmuth,	Murrin,	Stewart,
Boles,	Hays,	Nagel,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Peale,	Turner,
Brownfield,	Hontz,	Pearson,	Valibus,
Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Kane,	Powers,	Wall,
Chervenak,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1560.

An Act for the protection of the public health, and the prevention of fraud and deception; requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, in next to last line, by striking out after the word "and" the words "the use of containers".

Amend section 4, page 3, by striking out the entire section as follows:

"Section 4. It shall be unlawful for any person to manufacture prepare or bottle non-alcoholic drinks or liquid foods in bottles cans or other containers upon the label or crown of which is printed the name of another bottler or manufacturer or on which is blown or imprinted or stamped the name of another bottler or manufacturer".

Amend section 5, page 3, line 22, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "4".

Amend section 6, page 3, line 25, by striking out after the word "Section" the figure "6" and inserting in lieu thereof the figure "5".

Amend section 7, page 4, line 3, by striking out after the word "Section" the figure "7" and inserting in lieu thereof the figure "6".

Amend section 8, page 4, line 13, by striking out after the word "Section" the figure "8" and inserting in lieu thereof the figure "7".

Amend section 9, page 5, line 1, by striking out after the word "Section" the figure "9" and inserting in lieu thereof the figure "8".

Amend section 10, page 5, line 10, by striking out after the word "Section" the figure "10" and insertin in lieu thereof the figure "9".

Amend section 11, page 5, line 14, by striking out after the word "Section" the figure "11" and inserting in lieu thereof the figure "10".

The foregoing amendments were stricken out in the Senate.

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Jirolanio,	Powers,	Walsh,
Coakley,	Kane,	Preston,	Wampole,
Cohen, H. B.,	Keenan,	Readinger,	Watkins,
Cohen, R. E.,	Kelso,	Reese,	Webster,
Coleman,	Kilroy,	Reising,	Weidemann,
Coolahan,	Kline,	Richter,	Weiss, D. H.,
Corrigan,	Kroll,	Robinson,	Weiss, S. A.,
Costanzo,	LaRue,	Rothenberger,	Welliver,
Davies,	Leisey,	Royer,	Welsh,
Decker,	Levy,	Ruffennach,	Westrick,
DeNote,	Lewis,	Rush,	Whalen,
Dickinson,	Long,	Sarraf,	Whitenight,
Donohoe,	Longaker,	Scanlon,	Wilson,
Dougherty,	Lopresti,	Schor,	Winner,
Downey,	Lovett,	Schrock,	Wood,
Dubbs,	Lyons,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1642.

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as memebrs of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 6, page 8, by striking out in lines 14 to 16 inclusive the words "The number and compensation of all such assistants and employes shall be fixed by the salary board of the county;" also on page 9 by striking out in line 10 the words "salary board of the county" and inserting in lieu thereof the word "Commission."

Amend section 17, page 15, by striking out in line 27 the words "by its own action;" also in line 27 to 29 inclusive, by striking out the words "or upon the signed petition of at least two hundred qualified electors of any ward of the city requesting the same shall;" also on page 16, by striking out in line 5, the word "said" and inserting in lieu thereof the word "any;" also by striking out in lines 9 to 29 inclusive, on page 16, and lines 1 and 2 on page 17, as follows: "Said petitions to be effective shall be filed with the Commission at least forty-five days prior to any primary or election Immediately upon such motion of the Commission or immediately upon the receipt of any such petition the Commission shall notify in writing the county chairman of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of the filing of said petition and of the number of registrars the Commission will appoint to serve in said wards Not later than the third day after receipt of said notice said chairman shall submit to the Commission a list of qualified electors of the city to serve as registrars for said days Of the registrars appointed by the Commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairmen shall fail to submit such list within the time herein provided the Commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the city or shall appoint as all of such registrars any qualified electors of the city as the case may be"

Amend section 28, page 33, by striking out in lines 14 to 16 inclusive the words "in any case the commission shall advise the elector promptly in writing of its action."

Amend section 38, page 50, by striking out in lines 5 and 6 the words "Entry of Information in General Registers Following Elections and Primaries" and inserting in lieu thereof the words "Examination of District Registers."

Amend section 39, page 51, by striking out in line 227 the word "thirty-nine" and inserting in lieu thereof the word "thirty-seven"; also on page 52, by striking out in line 2, the word "registered"; also same line by inserting after the word "elector" the words "who has been registered for a period of at least two years and"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McGee.	Simon,
Alexander,	Flinchbaugh.	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker. J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Brigerman,	Holland,	Ostroff,	Tumelty,
Broad,	Holmes,	Patterson, C. S.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1562.

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, by striking out in line 4 the words "where the Commonwealth through the" and inserting in lieu thereof the words "is hereby amended to read as follows"; also same page by inserting after line 4 the following:

"Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where the Commonwealth through the"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Atkins,	Gorski,	Merrell,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Smith, John A.,
Baine,	Haberlen,	Moomaw,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger
Baker, J. J.,	Hall,	Moran,	Spengler,
Balthaser,	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Muir,	Stackpole,
Blank,	Harkins,	Munley,	Stank,
Bohn,	Harmuth,	Murrin,	Stewart,
Boles,	Hays,	Nagel,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Peale,	Turner,
Brownfield,	Hontz,	Pearson,	Valibus,
Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Orderd, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'CONNOR asked and obtained permission for the Committee on Mines and Mining to meet during the session.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1802.

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, by inserting in line 9 after the word "owing" the words "by him her or it"; also in line 11 by inserting after the word "county" the words "by him her or it".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Brigerman,	Holland,	Ostroff,	Tumelty,
Broad,	Holmes,	Patterson, C. S.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,

Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1733.

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating depositories of funds of counties of the second class and the rate of interest to be paid by such depositories to such counties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by striking out after the word "amend" the word "sections" and inserting in lieu thereof the word "section"; also in lines 1 and 2 by striking out the words "and four hundred seven"; also in lines 8 to 10 inclusive by striking out the words "and the rate of interest to be paid by depositories to such counties."

Amend section 1, page 1, by striking out at the beginning of line 4 the word "sections" and inserting in lieu thereof the word "section"; also in same line by striking out the words "and four hundred seven"; also on page 2, line 1, by striking out after the word "thereto" the word "are" and inserting in lieu thereof the word "is"; also same page by striking out all of lines 13 to 24 inclusive as follows:

"Section 407 Designation and qualification of Depositories Rate of Interest At said meeting or at any subsequent meeting agreed upon said board shall designate the depositories and the rate of interest to be paid by them to the county Such rate of interest shall be [not less than two per centum per annum] the highest rate obtainable calculated on daily balances Deposits shall be made with the depositories designated as soon as satisfactory bonds approved by the county commissioners are filed with the controller The bank or banking institutions selected shall have paid-in capital and surplus of not less than five hundred thousand dollars;"

and inserting in lieu thereof the following new section:

"Section 2 The provisions of this act shall become effective immediately upon its final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Peale,	Turner,
Brownfield,	Hontz,	Pearson,	Valibus,
Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Huntley,	Pershing,	VanSickle,
Caesar,	Imbrie,	Piole,	Vogt,
Caputo,	Jirolanio,	Powers,	Wagner,
Chervenak,	Kane,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	LaRue,	Rothenberger,	Weiss, D. H.,
Costanzo,	Leisey,	Royer,	Weiss, S. A.,
Davies,	Levy,	Ruffennach,	Welliver,
Decker,	Lewis,	Rush,	Welsh,
DeNote,	Long,	Sarraf,	Westrick,
Dickinson,	Longaker,	Scanlon,	Whalen,
Donohoe,	Lopresti,	Schor,	Whitenight,
Dougherty,	Lovett,	Schrock,	Wilson,
Downey,	Lyons,	Schrope,	Winner,
Dubbs,	Marino,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Finnerty,	McDevitt,	Shoemaker,	Yourishin,
Fiss,	McElroy,	Shugarts,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2055.

An Act authorizing any county of the second class and any city in any such county in which the county seat is within the limits of such city to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by inserting at the end of line 4 after the word "of" and before the word "all" the words "any or"; also in line 5 by inserting after the word "and" and before the word "all" the words "any or".

Amend section 1, page 2, by inserting at the beginning of line 5 after the word "of" and before the word "all" the words "any or"; also at the end of the same line by inserting after the word "of" and before the word "all" the words "any or".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Peale,	Turner,
Brownfield,	Hontz,	Pearson,	Vallbus,
Burrows,	Horting,	Perry,	VanAllsburg,
Cadwalader,	Huntley,	Pershing,	VanSickle,
Caesar,	Imbrie,	Piole,	Vogt,
Caputo,	Jirolanio,	Powers,	Wagner,
Chervenak,	Kane,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	Kroll,	Robinson,	Weidemann,
Corrigan,	LaRue,	Rothenberger,	Weiss, D. H.,
Costanzo,	Leisey,	Royer,	Weiss, S. A.,
Davies,	Levy,	Ruffennach,	Welliver,
Decker,	Lewis,	Rush,	Welsh,
DeNote,	Long,	Sarraf,	Westrick,
Dickinson,	Longaker,	Scanlon,	Whalen,
Donohoe,	Lopresti,	Schor,	Whitenight,
Dougherty,	Lovett,	Schrock,	Wilson,
Downey,	Lyons,	Schrope,	Winner,
Dubbs,	Marino,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Woodside,
Eckels,	McArdle,	Shaw,	Wright,
Elpern,	McCullough,	Shea,	Yanoshat,
Falkenstein,	McDermott,	Shepard,	Yeakel,
Finnerty,	McDevitt,	Shoemaker,	Yourishin,
Fiss,	McElroy,	Shugarts,	Zappala,
Fitch,	McFall,	Siegel,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. DONOHOE, from the Committee on Judiciary General, reported as committed, House Bill No. 1881, entitled:

An Act to provide for a third additional law judge of the Court of Common Pleas of the Tenth Judicial District.

Mr. SKALE, from the Committee on Judiciary General, reported as committed, House Bill No. 1378, entitled:

An Act to amend section two of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "An act relating to practice in the Courts of Common Pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein, and giving the courts power to enforce its provisions," as amended, by providing that all pleadings filed therein shall constitute a part of the record without formal presentation at time of trial.

Mr. SKALE, from the Committee on Judiciary General, reported as committed, House Bill No. 1336, entitled:

An Act to provide for a third additional law judge of the several courts of the Forty-fifth Judicial District.

Mr. SPENGLER, from the Committee on Constitutional Amendments, reported as amended, House Bill No. 946, entitled:

A Joint Resolution proposing an amendment to section eight, article five of the Constitution of the Commonwealth of Pennsylvania.

Mr. SAMUEL A. WEISS, from the Committee on Judiciary General, reported as amended, House Bill No. 2108, entitled:

An Act to carry into effect section eleven of Article one of the Constitution of the Commonwealth of Pennsylvania by designating the manner, the courts, and the cases, in which suits may be brought against the Commonwealth; defining the procedure in such cases, and providing for the payment of judgment, interest and cost by the Commonwealth.

Mr. LONGAKER, from the Committee on Judiciary General, reported as committed, House Bill No. 1363, entitled:

An Act making voidable releases of claims for personal injuries or death; and providing for the avoidance of the same.

Mr. SIEGEL, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 450, entitled:

An Act proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty.

Mr. THOMPSON, from the Committee on Constitutional Amendments, reported as amended, House Bill No. 254, entitled:

A Joint Resolution proposing an amendment to article eight, section one of the Constitution of the Commonwealth of Pennsylvania.

Mr. ZAPPALA, from the Committee on Counties, reported as amended, House Bill No. 2099, entitled:

An Act to further amend sections two hundred forty-six, two hundred fifty-six, and two hundred sixty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" fixing the salary of the district attorney, and providing for the appointment and compensation of assistant district attorneys, stenographers and clerks, in counties of the sixth and seventh classes.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 2251, (Senate Bill No. 66), entitled:

An Act to amend section five of the act approved the sixteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty) entitled "An act to fix the salaries and compensation of the judges of Supreme Court the judges of the Superior Court the judges of the Courts of Common Pleas the judges of the Orphans' Courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

Mr. GORSKI, from the Committee on Judiciary General, reported as committed, House Bill No. 2250, (Senate Bill No. 1044), entitled:

An Act authorizing Courts of Common Pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs, and exempting mortgages issued under the National Housing Act.

Mr. ZAPPALA, from the Committee on Counties, reported as committed, House Bill No. 2274, (Senate Bill No. 337), entitled:

An Act relating to memorial halls in counties of the second class erected in memory of the soldiers sailors and marines who served in the Civil War and providing for the use upkeep and management and control of such halls.

Mrs. HORTING, from the Committee on Welfare, reported as committed, House Bill No. 2256, (Senate Bill No. 892), entitled:

An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school districts.

RESOLUTION

RECALLING HOUSE BILL No. 1712 FROM THE GOVERNOR

Mr. SAMUEL A. WEISS offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 11, 1937.

Resolved (if the Senate concur), That House Bill No. 1712. Printer's No. 602. entitled "An act to the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws 198) entitled 'An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof' increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HABERLEN asked and obtained permission for the Committee on Repeal Bills to meet during the session of the House.

The SPEAKER (Roy E. Furman) in the Chair.

STATEMENT BY Mr. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I have always believed that the victors should be magnanimous and I have never believed in crowning over victories, but when you have sat as we have on this side of the House since 1935 and taken it on the chin, I am sure that you on the other side of the House will not begrudge us a feeling of elation when we look back among our decks and see the floral decorations which signify victory for one of our colleagues.

I think it was a fine thing that in the 18th District they chose two of our colleagues to represent the two principal political parties in the contest in that district. They could not all win and I liked the fine spirit of the loser this morning as shown in my conversation with him, but I could have expected nothing else but that spirit and I know that he, too, will not feel affronted if we on this side of the House celebrate a little bit.

I feel that the 18th District, as I say, was fortunate in choosing two of our colleagues as candidates, and I also feel that the State of Pennsylvania is fortunate in going to having as its representative in Congress a man of the sterling ability and worth of Dick Simpson.

I have worked with him in this House since he came here, and he has been one of the younger members to me, and I know and I am sincere in saying that he will be a real contribution to the congressional delegation from this State in the Congress of the United States

The contest was waged on clean cut lines, neither man pussy-footed on the stand he was taking and the issues were clearly defined in the contest and as my friends on the Democratic side would say, the mandate of the people has been issued.

Therefore, Mr. Speaker, I am sure that my Democratic friends, as well as Republicans, join with me this morning in asking you to call to the Chair the gentleman from Huntingdon, not because he is a Republican but because I am certain each and every one of us have the satisfaction of knowing that a member of this House, a man who has served in it faithfully and earnestly, has been promoted and is stepping up into a larger field of service and a larger field of duty.

I request, Mr. Speaker, that you invite the gentleman from Huntingdon, Mr. Simpson, to the rostrum.

STATEMENT BY Mr. ALEXANDER

Mr. ALEXANDER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I rise at this time to join in the request of the honorable gentleman from Delaware, asking the victor, my worthy opponent and colleague, Dick Simpson to the rostrum.

It was a good, clean fight, and I believe that I was big enough to take it, but there is only one thing wrong in that district, there were entirely too many Republicans turned out to vote.

I felt all the while that I was making headway and Dick felt the same way about it too, but when the votes were finally counted, he went in by no small majority.

I also agree with the gentleman from Delaware that it was a mandate of the people, and that there is no guess work. I really might say that I enjoyed it as a good, clean, fight, and I might also say that not the biggest man won in the district but the best man won.

At this time I want to congratulate Mr. Simpson, my colleague, and wish him all the success in the world. More power to you Dick, and I hope that some day I will catch up with you and that we may again have a good time together.

STATEMENT BY Mr. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, in speaking for the Democratic delegation we wish to extend our sincere congratulations to the gentleman from Huntingdon. He has now an opportunity for greater service not only to his constituency but to the Commonwealth of Pennsylvania, and we wish to assure him that we are sincere in extending to him our best and sincere wishes for a continued and successful career.

Last evening the Democrats were celebrating a victory dinner and the general tenor there seemed to be that the Democrats had so many Victory Dinners to celebrate. Our State and National Committeewoman, Mrs. Emma Guffey Miller made what I thought was a very clever report in commenting upon the great number of Victory Dinners which we have had to celebrate: that a certain outstanding Democratic politician in Allegheny County felt that every time that his wife served chicken, peas and potatoes at the same time at dinner, he had to get up and make a speech. So we do not begrudge the fact that the Republicans will now have an opportunity to eat chicken, peas and potatoes at the same time.

However, these by-elections are always confusing. The so-called Shoestring District in a clear and unequivocal mandate of the people have elected to Congress a worthy member of this House and by the same clear and unequivocal mandate of the people the Democrats in a Senatorial district have elected to the Senate a Democratic Senator. So the by-elections at times do not prove anything except that they have elected a worthy man to Congress and a worthy man to the Senate and so we Democratic members of this House of Representatives are sincere in extending to that worthy man, the new Congressman, our best hopes and wishes for a continued successful career.

The SPEAKER. The Chair appoints as a committee to escort the newly elected Congressman to the rostrum, the gentleman from Delaware, Mr. Turner and the gentleman from Mifflin, Mr. Alexander.

Mr. TURNER. Mr. Speaker, I have the pleasure of presenting to you the the Congressman-elect from 18th Congressional District of Pennsylvania, our colleague, Mr. Richard M. Simpson.

The SPEAKER. Members of the House, it is now my pleasure to present to you the baby member of the Congress of the United States, our colleague, Dick Simpson.

REMARKS BY Mr. SIMPSON

Mr. SIMPSON. Mr. Speaker and members of the House, approaching the rostrum as I did between a Democratic member and a Republican member of this Assembly and approaching it so recently after listening to one of the speeches in which it was mentioned that a victory dinner might be held by the Republicans at this time, might I also suggest that one might be held by the Democratic members, so that during this Pollyanna stuff we all could be happy.

It has been quite an experience that I have had during the past three weeks chasing over the entire 18th Congressional District with my friend to the left. I would chase him awhile and then he would chase me. We covered some thousands of miles; in fact, I was afraid for awhile, basing my opinion on the reaction I had from some of our districts, that perhaps my mileage would exceed my votes. My good friend and former opponent was very kind. He and I conducted what I consider a clean campaign, and if that seems unusual to any of you permit me to assure you that in our Congressional district; yes, in our part of Pennsylvania, clean campaigns are the rule. We simply made the campaign a matter of issues, so that those who voted might know what the person for whom they voted would stand for after election. At this particular time, to my satisfaction, they agreed with me.

I received the most earnest compliments of my opponent when I entered the hall here today, and I am sure we will continue the friendship we have for a number of years enjoyed.

I would like to say something appropriate to the group before me to express my sorrow about leaving this Assembly. I realize, however, that some of you might think that I was saying it with a grain of salt, and that I am really glad to advance, and that is the way I shall look at it. So I will simply say I shall miss many of my friends here and hope in Washington to acquire just as many new friendships and that they will be just as close to me as I have them here today. Thank you.

The SPEAKER. I am sure that we appreciate very much the words of the new Congressman.

STATEMENT BY Mr. COLEMAN

Mr. COLEMAN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, when my good friend and gentleman from Mifflin, Mr. Alexander, made reference to the rather substantial majority that separated him from victory in his contest, I was reminded

that in the 1936 election in Lackawanna county, one of the rural residents of our county was cut off from communication from the rest of the county by reason of the fact that he had no radio and had no means of knowing how the battle was progressing and so, at 11:00 o'clock at night, he called up Democratic headquarters and he asked the gentleman in charge of headquarters how the battle was going. The reply was "President Roosevelt is leading by twenty-five thousand and Boland (who was our Congressional candidate) was leading by twenty-two thousand." It took him completely off his feet and he said, "Wow, it looks like a landscape." So, Mr. Speaker, I was reminded of that when the defeated candidate so graciously admitted that the victory was decisive to that particular extent.

What I have to say has no direct connection with this particular election but the fact that the Republican membership of this House is in a celebrating mood might be conducive to their supporting a particular bill that I have now resting in committee.

On January 13 I introduced a bill, House Bill No. 153, proposing to have adopted by the Pennsylvania Legislature a song written by Joe Francis Weber as the official State song. That bill was referred to the Committee on Judiciary Special and later referred to a sub-committee for the purpose of consultation with Dr. Ade and for further study. The learned doctor suggested that there ought to be some sort of a contest in the State with a view to selecting a song for presentation to the next session of the Legislature and for its adoption. In line with that particular thought the gentleman from Philadelphia, Mr. Skale, has presented a resolution to carry out that idea.

In 1935, at the American Legion Convention in St. Louis, the Koch-Conley Post, which is one of the largest American Legion Posts in the State needed a song to sort of identify itself at that particular convention, and so informed Joe Francis Weber of Lackawanna county and he got busy and House Bill No. 153 is the result of his effort. At that particular convention when the song was played it made an immediate hit and the Koch-Conley Post adopted it as their particular song. Later on the American Legion in this State thought so well of this song that they adopted it and they advised the committee of their interest in the song being adopted by this Legislature.

It is my understanding that while we have a State flower, and a State tree and a State bird we do not have any State song to identify properly this State in national conventions. I think that a song worthy of adoption by the State ought to have certain qualities, that the words ought to be of a historic and patriotic nature, that the music ought to be within easy singing range and that it ough to be in march time so as to add to its value as a parade song. Joe Francis Weber's song in House Bill No. 153 has all those particular qualities.

May I read to you, Mr. Speaker and members of the House, the first verse of this particular song:

"Pennsylvania, Pennsylvania, Land where Liberty was born;
Pennsylvania, Keystone State, Where the bands of tyranny were shorn.
Valley Forge and Brandywine, Live in memory,
Battle fields of freedom, Sacred soil of liberty."

Of the twenty-two songs that have been presented to this Legislature over a period of years, none, in my opinion, is so typically Pennsylvanian and so well exemplifies the splendid spirit of this grand old Commonwealth. Just a week or so ago I saw, Mr. Speaker and members, a motion picture of the events leading to the writing of the Star Spangled Banner. It was an inspirational sight to see Francis Scott Key as he stood, a prisoner on a ship anchored outside of Baltimore, watching the fighting in the early dawn, watching the bursting bombs illuminating the penetrating smoke and showing Old Glory visible in the background. It was that particular incident that lead to the writing of that line, "The rockets red glare and bombs bursting in air gave proof through the right that our flag was still there." So, Mr. Speaker, I thought that this was an appropriate time to call to the attention of the membership of the House that Pennsylvania ought to have a State song.

You know music is the universal language. It is a means of expressing emotions and feelings without words. Long before man had a name for any thought or anything, he had hopes, he had fears, he had passions. These were gradually manifested in his music. Had there never been any human affection, there never would have been a strain of music; language is not subtle enough, not tender enough, not inspiring enough to say all that we want to say, the expression of all that we feel, and when language fails, our highest and noblest thoughts are translated into music, the sunshine and the climate of the soul. So, Mr. Speaker, while we are going down the home stretch of a rather busy Legislative session and still have a large number of problems facing us for solution, I think we ought to have a State song. I think we have enough in Pennsylvania that we ought to be proud to sing it to the whole world. I am asking, Mr. Speaker and members of the House, since the Republican membership is in a spirit of joviality so to speak and the Democratic members are always in that same spirit—I am asking this General Assembly to adopt House Bill No. 153 and thus obviate the necessity of adopting Mr. Skale's resolution.

STATEMENT BY Mr. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I listened with rapt attention to the fluent flow of words of the eliquent gentleman from Lackawanna county and I tell you he had the chills running up and down my spine when he was talking about the Star Spangler Banner and the song for our State, but I couldn't help wondering about it as he was talking because he said we didn't have a song.

Now I have been around several places where they had what they called "Victory Dinners," and I have watched those in attendance and seen a lot of our citizens dancing and I thought "Happy Days Are Here Again" was the great anthem of the people of Pennsylvania. I thought that that had been accepted and adopted as the State song, and I have been wondering whether the gentleman from Lackawanna is sort of receding from that position and whether because of events in the 18th Congressional District yesterday he wants to change that from "Happy Days Are Here Again" to something about Pennsylvania and its liberties. If you are doubtful about those happy

days being here again or if you think they are past and gone, I would like to join with the gentlemen from Lackawanna, too, in getting some kind of State song—at least one than would do away with "Happy Days Are Here Again." I though there was another song that might sort of put "Happy Days" out of the running. It was something about "Raining Pennies from Heaven" but after contact with the majority floor leader I realize that you could never be a good Democrat and talk about pennies. Therefore, let us have this song and let us join with the gentleman from Lackawanna in securing a Pennsylvania song, one that has to do with current times and that may not be obliterated as quickly as "Happy Days Are Here Again.'

STATEMENT BY Mr. COAKLEY

Mr. COAKLEY asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, Resolved that the House of Representatives now in session hereby places itself on record in tending its heartiest congratulatnons to the electorate of Northampton county on the selection and election of William Barthold as Senator from Northampton county, and for its enthusiastic endorsement of the able accomplishments of an outstanding citizen of a county known for its stout adherence to Democratic principles and policies even before the Civil War, a larger majority in proportion to the votes cost at the last election. Mr. Barthold's platform was one hundred percent for the Roosevelt and Earle platform.

Let us have this for our song: (sings)

Is it true what they say about Roosevelt
That he gave everybody a break
The poor man and farmer,
They praised him to the sky
He saved them all from starving
While others passed them by
In the north, east and west, and in Dixie
There's employment there all the time
Skies are fair everywhere
Since he's in the White House Chair

He is in there; that's where he belongs.

STATEMENT BY Mr. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, this is the wrong time of the morning for me to sing. I would have, however, had I the chance and felt that my vocal chords at this time of the day without the necessary lubrication could stand it,—I would reply to the gentleman from Northampton by singing: "The Old Grey Mare Ain't What She Used to Be."

Mr. COLEMAN. Mr. Speaker, in view of the song by my good friend Mr. Coakley I think I owe the membership of this House an explanation as to why I myself did not attempt to sing this song in which I am interested. Some of my colleagues threatened that if I mentioned it on the floor they were going to insist upon my singing it, and were it not for the fact that I am conscientiously interested in its adoption I would do so.

I cannot help being reminded of the story of the gentleman who thought that he had a singing voice and secured a job in a ten cent store to plug songs. It was his job to plug pieces of music. Somebody asked him how he was doing on the job and he said that the sales had increased forty percent since he had been on the job, and the friend asked "How do you account for that ?" and he answered "Every time I sing 'Pennies from Heaven' the management sells a hundred copies of 'Mother Machree.' So, I thought in mentioning that, that I would rather confine my efforts to speaking for my song instead of trying to emulate Crosby and Rudy Vallee.

STATEMENT BY Mr. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I realize that it is necessary that we proceed with the legislative duties of the day, and I further realize that it is always the function and purpose of this House to have an actual transcription of the record made by the transcribing clerks and by the proof readers and the printers of the journal, and I therefore ask that the transcribing clerks and the official stenographers to make it their official duty to see that we have an accurate report and that all the flat notes of the gentleman from Northampton, Mr. Coakley, actually be transcribed.

STATEMENT BY Mr. COSTANZO

Mr. COSTANZO asked an obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I would like to read to the membership of the House a letter I received this morning from a very dear friend of mine. He writes:

"Dear Rocco,

Last night I had the pleasure of dining with Johnny Jockey and his precocious thirteen year old son, Robert. After dinner our conversation drifted to the topic of the day—horse racing. We talked for about an hour on this subject, during which time young Robert listened very attentively. To my surprise he suddenly began plying his Dad with a lot of questions. The interrogation went something like this:

"Daddy, did I hear you say the Republicans voted like blockheads on the horse racing bill?" "No, Sonny, what I did say was that the Republicans voted as a bloc with the exception of two heads." "What made them vote that way, Daddy?" "Well, you see Sonny, that is supposed to be smart politics. The Republicans knew that Davey was against the bill although he is a lover of horse racing, mind you, and that Jack was for the bill; so they just figured on getting Jack sore at Davey and by this clever bit of maneuvering, undoubtedly inspired by the ingenious Republican Floor Leader, Ellwood, they probably felt they could take the State in about twenty-five years instead of the conservatively estimated time of fifty years." "Gee, Daddy, I saw a picture of Ellwood once and he looked like a regular fellow to me." "He is, Bobby, he is a swell guy, except when he votes." "Why was Davey against the bill, Daddy?" "Davey was against the bill because he felt that people who don't have any money, like people on relief, would bet money on the races. He also felt that it was immoral and unchristian to place a bet on a horse race." "Now you're kidding me, Daddy! How can anybody who doesn't have any money, bet on the races. Can you place bets on credit?"

"No, Sonny, you can't place a bet on a horse race on credit. You can only gamble that way on the stock market." "Why does Davey think horse race betting is immoral, Daddy?" "He doesn't really think so, Bobby, because he likes to place a bet himself once in a while. You probably saw his picture in the papers last Saturday, attending the Kentucky Derby. You see, he is a shrewd politician and he figures it's not good politics to further antagonize a certain class of voters who are now, have been in the past, and will in the future, be against him." "I don't see where it is immoral to have horse racing, Daddy. Horse racing would be held only on week days and the horses could still go to church on Sunday, unless they preferred to go to the movies. Daddy, do they have horse racing in the rural communities?" "Yes, they do, at the county fairs." "And do the people attending these fairs bet on the races?" "Of course they do—stop asking foolish questions. It is no fun watching a race without placing a little bet." "Oh, I see, Daddy, I understand now. It is only immoral to bet in the cities." "You are right son." "Daddy, who is Herbie?" "Well, son, Herbie is the handsome, modest, unassuming, unpretentious, sober, honest, industrious, energetic, young Democratic Floor Leader. " "How did he vote, Daddy?" "He voted with the conservative majority." "I thought he was a Liberal." "He was." "Gosh, Daddy, I am all confused; I can't make this out at all. I'm afraid to go to sleep now for fear I might have a nightmare." "You and me both Sonny."

Your friend,

Johnny Jockey."

BILL PASSED OVER

There being no objection House Bill No. 2149, Senate Bill No. 373, Printer's No. 419, was passed over at the request of Mr. OMINSKY.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1835, as follows:

An Act to authorize the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systmes providing for condemnation authorizing the issuance of revenue refunding bonds and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any municipality as hereinafter defined is hereby authorized and empowered to acquire by purchase and to construct or partly acquire and partly construct and to improve enlarge reconstruct own equip operate and maintain an electric light system or a gas system as hereinafter defined inside or outside the limits of such municipality in whole or in part to sell services therefrom to public or private consumers located inside and outside said municipality and to issue revenue bonds payable from earnings to pay the costs of such system

Section 2 As used in this act the following words and terms shall have the following meanings

(a) The word "system" shall include all property rights easements and frachises relating thereto and deemed necessary or convenient for its operation and shall embrace an electric light system or a gas plant in its entirety or any integral part thereof including but not limited to dams reservoirs wells storage tanks pumping tanks meters valves mains and distribution systems

(b) The word "municipality" shall include cities of the third class and boroughs

(c) The term "legislative body" as applied to a municipality shall mean The Council The Borough Council or other board or body in which the general legislative powers of the municipality are vested

(d) The word "improvement" shall mean such repairs replacements additions and betterments of and to a system acquired by purchases as are deemed necessary to place it in a safe and efficient condition for the use of the public if such repairs replacements additions and betterments are ordered prior to the sale of any bonds for the acquisition of such system

(e) The term "cost of system" as applied to a system to be acquired by purchase shall include the purchase price cost of improvement financing charges interest during any period of disuse before completion of improvements cost of engineering and legal expenses plans specifications and surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to acquisition of the system and the placing of the same in operation

(f) The term "cost of system" as applied to a system to be constructed shall embrace the cost of construction the cost of all land property rights easements and franchises acquired which are deemed necessary for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for six months after completion of construction cost of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the system and the placing of the same in operation

(g) The word "owner" shall include all individuals incorporated companies societies or associations having any title or interest in any properties rights easements or franchises to be acquired

Section 3 Any municipality shall have power to acquire by purchase upon such terms and conditions and in such manner as it may deem proper and to acquire by condemnation in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use and land rights easements franchises and other property deemed necessary or proper for the construction operation and maintenance of a system Title to the property condemned shall be taken in the name of the municipality The municipality shall be under no obligation to accept and pay for any property condemned under this act except from the funds provided by this act and in any proceedings to condemn such orders may be made by the court having jurisdiction of the suit action or proceeding as may be just to the municipality and to the owners of the property to be condemned

Section 4 Any municipality is hereby authorized to acquire by purchase whenever it shall deem such purchase expedient but solely by means of or with the proceeds of revenue bonds hereinafter authorized any system as hereinabove defined or any such system wholly or partly constructed and any franchises easements permits and contracts for the construction of any such system upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and

the owner thereof title thereto to be taken in the name of the municipality

Section 5 At or before the time any such system shall be acquired by purchase it shall be the duty of the legislative body to deterimne what repairs replacements additions or betterments will be necessary to place such system in safe and efficient condition for use and to cause as estimate of the cost of such improvement to be made and submitted to it by an engineer or engineers appointed by it Such improvements shall be ordered by the legislative body before the sale of any revenue bonds hereinafter authorized for the acquisition of such system and shall be paid for out of the proceeds of such bonds

Section 6 Any municipality is hereby authorized to construct whenever it shall deem such construction expedient any system as hereinabove defined the cost of such construction to be paid wholly by means of or with the proceeds of revenue bonds hereinafter authorized

Section 7 Before any system shall be acquired or constructed or partly acquired and partly constructed under the provisions of this act the legislative body shall adopt an ordinance which shall (a) set forth a brief and general description of the system and a reference to the plans and specifications which shall theretofore have been prepared by an engineer chosen by the municipality and filed with the clerk of the legislative body of such municipality (b) set forth the engineers estimated cost thereof and the estimated period of construction (c) order the acquisition of such system and the construction of such improvements thereto as may be necessary or order the construction of such system and the acquisition of all property deeemd necessary or proper for the construction operation and maintenance thereof and (d) direct that revenue bonds of the municipality shall be issued pursuant to this act in such an amount as may be found necessary to pay the cost of the system

Section 8 Upon the ordinance above mentioned becoming effective the municipality is hereby authorized to provide by resolution for the issuance of its revenue bonds for the purpose of paving the cost as hereinabove defined of any system the principal and interest of which bonds shall be payable solely from the special fund herein provided for such payment Such revenue bonds shall bear interest at not more than six per centum per annum payable semi-annually and shall mature at such time or times not more than thirty years from their date or dates as may be fixed by such resolution All such revenue bonds may be made redeemable before maturity at the option of the municipality at such price and under such terms and conditions as may be fixed by it prior to the issuance of the bonds The principal and interest of such revenue bonds may be made payable in any lawful medium The legislative body shall determine the form of the bonds and the interest coupons to be attached thereto the manner of executing the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the State All revenue bonds issued under this act shall contain a statement on their face that the municipality shall not be obligated to pay the same or the interest thereon except from the revenues of such system In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery All such revenue bonds shall be and shall have and are hereby declared to have as between successive holders thereof all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone and for the transfer of bonds so registered including transfers to bearer and for successive registrations and transfers The municipality may sell the bonds in such manner and for such price as it may determine to be for the best interests thereof but no such sale shall be made for less than a price which computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values will show a net return of six per centum per annum to the purchaser upon the amount paid therefor The proceeds of such revenue bonds shall be used solely for the payment of the cost of th system and shall be checked out in such manner and under such restrictions if any as the legislative body may provide If the proceeds of the revenue bonds by error of calculation or otherwise shall be less than the cost of the system additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the trust indenture hereinafter mentioned shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same system If the proceeds of bonds issued for any such system shall exceed the cost thereof the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the legislative body may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act or by the Constitution of the State

Section 9 All moneys received from any revenue bonds issued pursuant to this act shall be applied solely to the payment of the cost of the system or to the appurtenant sinking fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of the holders of the bonds or the trustee hereinafter provided for in respect of such bonds

Section 10 In the discretion of the legislative body such revenue bonds may be secured by a trust indenture by and between the municipality and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the State but no such trust indenture shall convey or mortgage the system or any part thereof Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper not in violation of law including covenants setting forth the duties of the municipality in relation to the acquisition construction improvement maintenance operation repair and insurance of the system the custody safeguarding and application of all moneys and may provide that the system shall be acquired constructed or partly acquired and partly constructed and paid for under the supervision and approval of consulting engineers employed or designated by the municipality and satisfactory to the original purchasers of the bonds issued therefor their successors assigns or nominees who may be given the right to require that security given by contractors and by any depositary of the proceeds of the bonds or revenues of the system or other moneys pertaining thereto be satisfactory to such purchasers successors assigns or nominees Such resolution or indenture may set forth the rights and remedies of the bondholders and trustee restricting the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations Except as in this act otherwise provided the municipality may provide by resolution or by such trust indenture for the payment of the proceeds of the sale of the bonds and the revenues of the system to such officer board or depositary as it may determine for the custody thereof and for the method of disbursement thereof with such safeguards and restrictions as it may determine All expenses incurred in carry out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the system affected by such indenture

Section 11 At or before the issuance of any revenue bonds the municipality shall by resolution create a sinking fund for the payment of the bonds and the interest thereon and the payment of the charges of banks or trust companies for making payment of such bonds or interest

and shall set aside and pledge a sufficient amount of the net revenues of the system hereby defined to be the revenues of the system remaining after the payment of the reasonable expense of operation repair and maintenance such amount to be paid into such sinking fund at intervals to be determined by the municipality prior to the issuance of the bonds for (a) the interest upon such bonds as such interest shall fall due and (b) the necessary fiscal agency charges for paying bonds and interest and (c) the payment of the bonds as they fall due or if all bonds mature at one time the proper maintenance of a sinking fund sufficient for the payment thereof at such time and (d) a margin for the payment of premiums upon bonds retired by call or purchase as herein provided Such required payments shall constitute a first charge upon all the net revenues of the system Rates or other charges shall be fixed charged and collected for the use of such system and shall be so fixed and adjusted in respect of the aggregate of such rates or other charges from the system for which a single issue of revenue bonds is issued as to provide a fund sufficient to make such required payments and to provide an additional fund to pay the cost of maintaining repairing and operating the system Such rates or other charges shall not be subject to supervision or regulation by any State bureau board commission or agency and it shall not be necessary for the municipality to obtain any franchise or other permit from any State bureau board commission or agency for the doing of the things authorized by this act Prior to the issuance of revenue bonds the municipality may provide by resolution or by such trust indenture for using the sinking fund or any part thereof in the purchase of any of the outstanding bonds payable therefrom at the market price thereof but not exceeding the price if any at which the same shall at the next interest date be payable or redeemable and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued The moneys in the sinking fund less a reserve for payment of not exceeding one year's interest on the bonds if not used within a reasonable time for the purchase of bonds for cancellation as above provided shall be applied to the redemption of bonds by lot at the redemption price then applicable

Section 12 Any municipality shall have power to make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this act and may employ engineering architectural and construction experts and inspectors and attorneys and such other employes as may be deemed necessary and may fix their compensation All such compensation and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extend to which money shall have been provided under the authority of this act All public or private property damaged or destroyed in carrying out the powers granted under this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided by this act

Section 13 Any holder of any such revenue bonds or any of the coupons attached thereto and the trustee if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the revenue bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceeding protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the municipality including the fixing charging and collecting of rates and other charges for the use of such system

Section 14 Any municipality shall be subject to the charges and rates established as hereinabove provided for services rendered such municipality and shall pay such rates or charges when due and the same shall be deemed to be a part of the revenues of the system as hereinabove defined and be applied as hereinabove provided for the application of such revenues

Section 15 In addition to the revenues which may be received from the sale of revenue bonds and from the collection of fees rents tolls rates and other charges under the provisions of this act any municipality shall have authority to receive and accept contributions of either money or property or other things of value to be held used and applied for the purposes in this act provided

Section 16 Any municipality is hereby authorized to provide by resolution for the issuance of its refunding revenue bonds for the purpose of refunding any revenue bonds issued under the provisions of this act and then outstanding The issuance of such refunding revenue bonds the rights of the holders thereof and the duties of the municipality in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable and by the following provisions

(a) No refunding revenue bonds shall be delivered unless delivered in exchange for revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable revenue bonds together with any premium thereon or revenue bonds maturing or redeemable within three months together with any premium thereon or for the payment of unmatured revenue bonds which shall then be on deposit with a bank or trust company for surrender to the municipality upon receipt therefor of a sum not exceeding the face value thereof

(b) No refunding revenue bonds shall be issued unless issued to refund revenue bonds which have matured or will mature within three months if either the interest rate of refunding revenue bonds delivered in exchange or the net return to the purchaser upon the amount paid for refunding revenue bonds sold shall exceed the interest rate borne by the revenue bonds to be refunded

Section 17 This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing

Section 18 The sections and provisions of this act are severable and are not matters of mutual essential inducement and it is the intention to confer the whole or any part of the powers herein provided for and if any of the sections or provisions or parts thereof are for any reason illegal it is the intention that the remaining sections and provisions and parts thereof shall remain in full force and effect

Section 19 This act shall take effect immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 721, as follows:

An Act to further amend section two hundred and ninety-five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of the clerk to the jury commissioners in counties of the third class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and ninety-five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relat-

ing thereto" as amended by section one of the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 953) is hereby further amended to read as follows

Section 295 Clerk Except as hereinafter provided the jury commissioners are hereby authorized to appoint a clerk and fix his compensation with the consent and approval of the salary board if there be such a board or if not then of the county commissioners for his employment with said jury commissioners in the preparation and in filling the jury wheel or in drawing jurors But in no case shall the compensation of such clerk in counties of the sixth class exceed the amount received by any jury commissioner from such county for the same period of time Said appointment of a clerk shall be made within thirty days after the jury commissioners qualify for office and if the jury commissioners shall fail to make such appointment within said time or shall thereafter for a period of thirty days fail to fill any vacancy in said position the county commissioners shall appoint a clerk for them The compensation of said clerk shall be fixed by the salary board or the commissioners as the case may be [In counties of the third class the clerk of the jury commissioners shall be appointed and his compensation fixed by the Court of Common Pleas]

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1331, as follows:

An Act requiring all persons claiming damages from any county city borough town township or school district to file within six (6) months from the origin of such claim a written notice with such county city borough town township or school district

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter any person copartnership association or corporation claiming damages from any county city borough town township school district or other municipality arising from the negligence of such municipality or any employe thereof shall within six months from the date of origin of such claim or within six (6) months from the date of the negligence complained of file in the office of the clerk or secretary of such municipality a notice in writing of such claim stating briefly the facts upon which the claim is based Such notice shall be signed by the person or persons claiming damages or their representatives No cause of action may be validly entered of record where there was a failure to file such notice within the time required by this act except leave of court to enter such action shall first have been secured

Section 2 This act shall become effective immediately upon its final enactment

Section 3 All acts or parts of act inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1460, as follows:

An Act relating to employers and employes prohibiting the issuance of scrip tokens drafts orders coupons or other certificates redeemable in merchandise in payment of labor performed or to be performed and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person partnership association or corporation engaged in trade or business either directly or indirectly shall issue sell give or deliver in this Commonwealth to any of his or its employes as a medium of credit in payment of work or labor performed or to be performed any scrip tokens drafts orders coupons or other documents or certificates redeemable in merchandise to the holder thereof but all such payments for work or labor performed shall be made in cash or by checks redeemable for cash at par at any bank

Any person partnership association or corporation violating the provisions of this act shall upon conviction thereof in a summary proceeding for the first offense be sentenced to pay a fine of not less than twenty dollars Each payment by scrip tokens drafts orders coupons or other documents shall constitute a separate offense ($20) nor more than fifty dollars ($50) and for a second or subsequent offense be sentenced to pay a fine of not less than twenty-five ($25) nor more than one hundred dollars ($100)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideraiton of House Bill No. 1334, as follows:

An Act providing for the recovery of damages by persons bitten by dogs and creating a liability of the owners of such dogs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the owner of any dogs which shall bite any person while such person is on or in a public place or lawfully on or in a private place including the property of the owner of such dog shall be liable for such damages as may be suffered by the person bitten regardless of the former viciousness of such dog or the owner's knowledge of such viciousness A person is lawfully upon the private property of such owner within the meaning of this act when he is on such property in the performance of any duty imposed upon him by the laws of this State or by the laws or postal regulations of the United States of America or when he is on such property upon the invitation expressed or implied of the owner thereof

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2121, (Senate Bill No. 219), entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating

thereto" as amended providing for the appointment and compensation of (a) detective to the district attorney in counties of the fifth class

The first section was read as follows:

Section 1 Be it enacted by the Senate and the House of Representatives of the Comonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby further amended to read as follows

Section 278 In Counties of the Fifth Class In counties of the fifth class the district attorney with the approval of the court of quarter sessions may [whenever deemed necessary] appoint [special detectives] a detective whose duties it shall be to assist in obtaining such evidence as shall be directed by the district attorney for the Commonwealth in all criminal cases and perform such other duties as the [court] district attorney may direct the detective shall receive such monthly or annual salary payable by the county as the salary board of the county may fix Such [special detectives] detective shall be a general police [officers] officer and shall have all the powers that are now conferred on constables by the existing laws so for as they relate to crimes or criminal procedure

[The court of quarter sessions shall fix the compensation of the special detectives and shall direct the clerk of said court to certify the same to the county commissioners who shall draw their warrants on the treasurer in favor of said detectives for the amount so certified]

On the question,

Will the House agree to the section?

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 4, by striking out the word: "section" and inserting in lieu thereof: "sections two hundred and fifty-six and"

Amend sec. 1, page 2, line 3, by striking out the word: "is" and inserting in lieu thereof: "are"

Amend Bill, page 2, by inserting between lines 4 and 5 the following: "Section 256. Assistant District Attorneys; Number; Compensation.—In counties of the second, third, fourth, fifth and sixth classes, the district attorney may appoint such number of assistants, learned in the law, to assist him in the discharge of his duties as is fixed by this section.

In counties of the second class, the district attorney shall have authority to appoint one, or more, assistants learned in the law, not exceeding sixteen in number. One of said assistant district attorneys, who shall be designated as the first assistant, shall receive a salary of seventy-five hundred dollars ($7,500) per annum. One of said assistant district attorneys, who shall be designated as the second assistant, shall receive a salary of sixty-five hundred dollars ($6,500) per annum. Two of said assistant district attorneys shall receive salaries of six thousand dollars ($6,000) per annum each. Four of said assistant district attorneys shall receive salaries of fifty-five hundred dollars ($5,500) per annum each. Two of said assistant district attorneys shall receive salaries of five thousand dollars ($5,000) per annum each. Two of said assistant district attorneys shall receive salaries of forty-five hundred dollars ($4,500) per annum each, and four of said assistant district attorneys shall receive salaries of four thousand dollars ($4,000) per annum each. In the event of the appointment of a less number of assistants than sixteen, the district attorney shall have the power to determine into which class as to salaries the appointee or appointees shall be placed. Said salaries herein provided shall be paid out of the county treasury.

For all counties of the third class, the district attorney shall have authority to appoint a first assistant district attorney, at an annual salary of four thousand dollars ($4,000), and three assistant district attorneys, at annual salaries of three thousand five hundred dollars ($3,500) each and two assistant district attorneys, at annual salaries of three thousand dollars ($3,000) each.

In all counties of the fourth class, the district attorney shall have authority to appoint a first assistant district attorney, at an annual salary of three thousand five hundred dollars ($3,500), and three assistant district attorneys, at annual salaries of three thousand dollars ($3,000) each.

In counties of the fifth class the district attorney shall have authority to appoint one assistant district attorney at an annual salary of two thousand four hundred dollars ($2,400), and in counties of the sixth class, with the approval of the court, the district attorney shall have authority to appoint not more than two assistant district attorneys. The first assistant district attorney shall receive a salary of two thousand five hundred dollars ($2,500) per annum, and the second assistant district attorney shall receive a salary of two thousand dollars ($2,000) per annum.

The salary board of any county of the third class, in case of an emergency or on account of increased business or unusual circumstances or conditions, may authorize the district attorney to appoint such additional assistant district attorneys as may be approved by the courts; Provided, however, That the salary of said appointees shall not exceed the minimum salary provided for assistants in the respective offices."

Amend sec. 1 (sec. 278), page 2, line 13, by striking out the words: "monthly or"

Amend sec. 1 (sec. 278), page 2, line 13, by inserting after the word: "salary" the following: "not exceeding eighteen hundred dollars ($1,800)"

On the question,

Will the House agree to the amendments?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Beaver, Mr. Nagel.

The SPEAKER. Will the gentleman from Beaver permit himself to be interrogated?

Mr. NAGEL. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Beaver what is the purpose of this amendment.

Mr. NAGEL. Mr. Speaker, the amendments as prepared for this bill apply only to the fifth class counties.

Mr. TURNER. I understand that, Mr. Speaker, that this bill affects only fifth class counties.

Mr. NAGEL. Mr. Speaker, the bill calls for a detective to be appointed. This amendment provides for the appointment and the salary for this detective, and also provides that in fifth class counties one assistant district attorney be appointed, and sets the salary for this assistant district attorney.

Mr. TURNER. Mr. Speaker, the gentleman is enlarging this bill. This bill does not say anything about district attorneys. This bill refers to the question of the appointment of a detective in fifth class counties.

Mr. NAGEL. Mr. Speaker, if the gentleman from Delaware will wait until the further amendments are read he will find that it will bring out the part that I have stated.

Mr. TURNER. Mr. Speaker, I cannot wait until they have been read if the Speaker asks us to agree to the amendments to the first section. You are changing Sec-

tion 78; you are changing from 78 to 56; which might change the whole purpose of the act.

Mr. NAGEL. I cannot see, Mr. Speaker, that it will change the purpose of the whole act.

Mr. TURNER. I would like to ask the gentleman from Beaver, Mr. Speaker, whether he will not withdraw his amendments and ask that this bill be passed over until we have a chance to confer on it.

Mr. NAGEL. I will do so, Mr. Speaker, I will withdraw the amendments and ask that it be passed over.

BILL PASSED OVER

There being no objection House Bill No. 2225, Senate Bill No. 787, Printer's No. 310, was passed over at the request of Mr. SARRAF.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1777, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribing fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships wtihin the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further limiting the number and weight of trailers and semi-trailers that may be drawn by or attached to motor vehicles operated on highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (c) of section nine hundred two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

(c) No vehicles except fire department equipment shall exceed a total maximum length including any load thereon of three hundred ninety-six (396) inches and no combination of vehicles coupled together shall exceed a total maximum length of seventy (70) feet

1 No motor vehicle shall be operated upon a highway drawing or having attached thereto [more than one other vehicle except that a truck tractor with semi-trailer attached may draw in addition thereto one (1) other vehicle] any other vehicle except a class A trailer or semi-trailer (combined weight of chassis and body if so constructed or gross weight of trailer or semi-trailer exclusive of the load to be transported less than one thousand (1000) pounds) and except that a truck tractor may draw or have attached thereto one trailer or semi-trailor of any class that may be registered under the provisions of this act

2 The distance between any two vehicles one of which is towing or drawing the other shall not exceed fifteen (15) feet from one vehicle to the other except when the load on the towed vehicle is coupled directly to and is not more than five (5) feet from the towing vehicle Whenever the connection consists of a chain rope bar or cable there shall be displayed upon such connection a flag not less than twelve (12) inches in length and width Every trailer while being drawn upon the highway shall be so attached to the vehicle drawing the same as to prevent the wheels of such trailer from deflecting more than six (6) inches from the path of the drawing vehicle's wheels

Section 2 The provisions of this act shall become effective on the first day of January one thousand nine hundred and thirty-eight

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LOPRESTI. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of a public hearing.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 276, as follows:

An Act to amend section one thousand one hundred and four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereo

owners of vehicles and garage keepers providing that records are admissiblue as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by prohibiting the operation of certain commercial motor vehicles truck tractors trailers and semi-trailers on public highways betwen certain hours on Saturdays Sundays and holidays except on routes designated by the Department of Revenue with the approval of the Department of Highways and prescribing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one hundred and four of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fes prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keeprs providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 1104 Rights of Operators on Highways Operators of motor vehicles shall have the same right upon the highways as the drivers of other vehicles and no highway open to other vehicles shall be closed to motor vehicles except as otherwise provided in this act Provided That it shall be unlawful to operate any commercial motor vehicle truck tractor trailer or semi-trailer except commercial motor vehicles of the R and S class and trailers and semi-trailers of the A class as defined in section nine hundred and three of this act on any public highway except as hereinafter provided between the hours of eight ante meridian and twelve midnight on any Sunday or legal holiday or during the period commencing with the Saturday before Decoration Day and ending with the Saturday following Labor Day between the hours of one post meridian and eleven post meridian on any Saturday The Department of Revenue with the approval of the Department of Highways shall designate a limited number of through routes upon which all commercial motor vehicles truck tractors trailers and semi-trailers may be operated during such hours on Sundays and holidays

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HOLLAND. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2168, (Senate Bill No. 810), entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended, of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges, and for the purchase and improvement or construction of public highways, bridges, tunnels, subways and underground roads.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1800, as follows:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of engineers having charge of stationary steam or mercury boilers engines turbines and such power hoisting and portable machinery as shall be used in all construction work not operated by electric power designating the requirements necessary to sceure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "engineer" shall mean a person who operates or has charge of any equipment as defined in this section

As used in this act "boiler" shall mean a steam or mercury boiler in which is generated to drive equipment and including all piping and apparatus connected thereto up to and including the stop value or values nearest the boiler

Equipment shall mean stationary steam or mercury boilers steam engines turbines and such power hoisting and portable machinery as shall be used in construction work Provided That the term equipment shall not include any machinery the motive power for which is electricity or internal combustion engines And provided further That the term stationary shall not apply to any boiler or engine located in any building under construction or during the completion of a piping system in any building until the general test has been made and the work accepted by the owner or his agent

"Department" shall mean the Department of Public Instruction of the Commonwealth of Pennsylvania

"Establishment" shall mean an industrial or commercial building or place within the Commonwealth

"Place of public assembly" shall mean any building or portion thereof designed intended or used for entertainment instruction institutional purposes or amusement

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Whenever the singular is used in this act it shall be construed to include the plural and whenever the masculine gender is used it shall be construed to include the feminine and neuter

Section 2 It shall be unlawful for any person to have charge of or to operate equipment in any establishment school or place of public assembly in this Commonwealth unless said person holds a license as is hereinafter provided for It shall be unlawful for any owner or user of any equipment to operate or cause or permit to be operated any equipment except by a duly licensed engineer It shall be unlawful for any licensed engineer to delegate such operation to any person not so licensed

Section 3 Every person wishing to operate any of the equipment mentioned in this act shall make written application for a license to the department on the form prescribed by the department Every such person shall be at least twenty-one years of age and shall have been employed about equipment during the five years immediately preceding the date of his application for a total term of not more than two years The application shall contain a detailed statement of such employment Every such application shall be accompanied by the affidavit of the applicant of one engineer and of one employer as to the truth of the statements contained in the application Each application shall be accompanied by a fee of five dollars ($5.00)

Section 4 The department shall make inquiry into the character habits of life and experience of the applicant The department shall after reasonable notice to the applicant submit the applicant to a written examination in the construction and operation of steam or mercury boilers steam engines turbines pumps and in the subject of hydraulics or in such of these subjects as relate to the operation of the equipment for which a license is requested The examination shall be conducted under the rules and regulations adopted by the department The standard of the examination shall be uniform throughout the Commonwealth

Section 5 If upon such examination the applicant is found proficient in such subjects a license shall be granted to him to have charge of and to operate only such equipment as from the application and examination the department shall determine the applicant to be capable of operating for one year from the date on which it is issued Such equipment shall be specified on the license The department shall upon application by a licensed engineer before ten days after the expiration of such license issue a renewal thereof annually upon the payment of a renewal fee of two dollars ($2.00) Otherwise the license shall become null and void

Section 6 Any person who shall have operated equipment during the five years immediately preceding the passage of this act for a total term of not less than two years or who holds at the date of passage of this act of any municipal subdivision of this Commonwealth shall a license to operate equipment issued under the authority upon application to the department on the form indicated in section three and the payment of a fee of two dollars ($2.00) within six months after the passage of this act be entitled without examination to a license to operate such equipment only as is indicated by his application he shall have previously operated or is presently operating and shall be entitled to the same privilege of annual renewal as hereinbefore granted to other licensed engineers

Section 7 Upon written charges made to the department by any person after notice and hearing the department may revoke the license of a person guilty of fraud in obtaining or using such license or who becomes insane or is addicted to the liquor or drug habit to such a degree as to render him unfit to operate equipment

Section 8 Any licensed engineer of equipment who shall leave or be suspended or discharged from any place of employment shall within ten days notify the department of such fact The owner or user of such equipment shall in like manner notify the department of such fact

Section 9 Each engineer shall exhibit his license under glass in a conspicuous place in his engine room or boiler room Each engineer shall sign his own license

Section 10 To carry out the provisions of this act the department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the examination and registration of engineers of equipment

Section 11 All fees provided for in this act shall be paid to the Department of Public Instruction who shall transmit the same to the State Treasurer through the Department of Revenue

Section 12 Nothing in this act shall be construed to apply to the operation of any equipment subject to Federal inspection and control of locomotives railroad cars or steam or motor boats nor to equipment subject to the inspection and control of the Bureau of Motor Vehicles of this Commonwealth

Section 13 Nothing in this act shall be construed to prohibit the licensure or regulation of engineers of power equipment by any subdivision of this Commonwealth in addition to the requirements of this act

Section 14 It shall be the duty of the Department of Public Instruction to enforce the provisions of this act

Section 15 Prosecutions for violations of the provisions of this act or the rules and regulations of the department may be instituted by the department and shall be in the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties herein provided for shall be imposed and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law

Section 16 Any person who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall upon summary conviction thereof be sentenced to pay a fine of not more than one hundred dollars ($100) and costs and upon non-payment thereof to be imprisoned for not more than ten days

Section 17 All fines collected under this act shall be forwarded to the Department of Public Instruction who shall transmit the same to the State Treasury through the Department of Revenue

Section 18 This act may be cited as the "Power Equipment Engineer's License Act of 1937"

Section 19 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not effect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted has such unconstitutional provision not been included therein

Section 20 The act approved the eighteenth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws 49) entitled "An act to provide for the better protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the first class in this Commonwealth and providing penalties for violations" and its amendments the act approved the fourth day of April one thousand nine hundred and five (Pamphlet Laws 102) entitled "An act to provide for the better protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the second and third class of this Commonwealth and providing penalties for violation" and its amendments and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 21 This act shall be effective and operative sixty days after its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 851, as follows:

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act

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Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Public Utility Law"

Section 2 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

(1) "Affiliated Interest" means (a) any person or corporation who or which owns or controls directly or indirectly five per centum or more of the voting capital stock of a public utility (b) any corporation five per centum or more of the voting capital stock of which is owned or controlled directly or indirectly by any person or corporation who or which owns or controls directly or indirectly five per centum or more of the voting capital stock of a public utility (c) any corporation five per centum or more of the voting capital stock of which is owned or controlled directly or indirectly by a public utility (d) any person or corporation who or which either singly or in conjunction with one or more other persons or corporations is exercising any substantial influence over the policies acts or actions of a public utility or stands in such relationship to the public utility that there is an absence of free and equal bargaining power between him or it and the public utility Provided however That

any public utility prior to contracting with any person or corporation may apply to the commission for a determination as to whether or not such person or corporation is an affiliated interest as herein defined and (e) any director officer or employe of an affiliated interest as herein defined

(2) "Broker" means any person or corporation not included in the term "motor carrier" and not a bona fide employe or agent of any such carrier or group of such carriers who or which as principal or agent sells or offers for sale any transportation by a motor carrier or the furnishing providing or procuring of facilities therefor or negotiates for or holds out by solicitation advertisement or otherwise as one who sells provides furnishes contracts or arranges for such transportation or the furnishing providing or procuring of facilities therefor other than as a motor carrier directly or jointly or by arrangement with another motor carrier and who does not assume custody as a carrier

(3) "Commission" means the Pennsylvania Public Utility Commission of this Commonwealth

(4) "Commissioner" means one of the members of the Pennsylvania Public Utility Commission

(5) "Common Carrier" means any and all persons or corporations holding out offering or undertaking directly or indirectly service for compensation to the public for the transportation of passangers or property or both or any class of passengers or property between points within this Commonwealth by through over above or under land water or air and shall include forwarders but shall not include contract carriers by motor vehicles or brokers or any bona fide cooperative association transporting property exclusively for the members of such association on a non-profit basis

(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicle operations but shall not include a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any bona fide cooperative association transporting property exclusively for the members of such association on a non-profit basis

(8) "Contact with an Affiliated Interest" means any agreement or contract written or oral express or implied entered into by any public utility and an affiliated interest for the purchase sale payment lease loan or exchange of any service property money security right or thing

(9) "Corporation" means all bodies corporate joint-stock companies or associations domestic or foreign their lessees assignees trustees receivers or other successor in interest having any of the powers or privileges of corporations not possssed by individuals or partnership but shall not include municipal corporations except as otherwise expressly provided in this act nor bona fide cooperative associations which furnish service on a non-profit basis only to their stockholders or members

(10) "Facilities" means all the plant and equipment of a public utility including all tangible and intangible real and personal property without limitation and any and all means and instrumentalities in any manner owned operated leased licensed used controlled furnished or supplied for by or in connection with the business of any public utility Provided however That no property owned by the Commonwealth of Pennsylvania at the date when this act becomes effective shall be subject to the commission or to any of the terms of this act except as elsewhere provided herein

(11) "Forwarder" means any person or corporation not included in the terms "motor carrier" or "broker" as herein defined who or which issues receipts or billings for property received by such person or corporation for transportation forwarding or consolidating or for distribution by any medium of transportation or combination of media of transportation other than solely by motor vehicle

(12) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel

(13) "Motor Carrier" means a common carrier by motor vehicle and a contract carrier by motor vehicle

(14) "Motor Vehicle" means any vehicle which is self-propelled excepting power shovels tractors other than truck tractors road rollers agricultural machinery and vehicles which solely move upon or are guided by a track or travel through the air

(15) "Municipal Corporation" means all cities boroughs towns townships or counties of this Commonwealth and also any public corporation authority or body whatsoever created or organized under any law of this Commonwealth for the purpose of rendering any service similar to that of a public utility

(16) "Persons" means individuals partnerships or associations other than corporations and includes their lessees assignees trustees receivers executors administrators or other successors in interest

(17) "Public Utility" means persons or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for

(a) Producing generating transmitting distributing or furnishing natural or artificial gas electricity or steam for the production of light heat or power to or for the public for compensation

(b) Diverting developing pumping impounding distributing or furnishing water to or for the public for compensation

(c) Transporting passengers or property as a common carrier

(d) Use as a canal turnpike tunnel bridge wharf and the like for the public for compensation

(e) Transporting or conveying natural or artificial gas crude oil gasoline or petroleum products materials for refrigeration or other fluid substance by pipe line or conduit for the public for compensation

(f) Conveying or transmitting messages or communications by telephone or telegraph for the public for compensation

(g) Sewage Collection treatment or disposal for the public for compensation

The term "Public Utility" shall also include corporation producing generating transmitting or furnishing any of the foregoing service to or for another person corporation or municipal corporation for distribution to or for the public for compensation

The term "Public Utility" shall not include (a) any person or corporation not otherwise a public utility who or which furnishes service only to himself or itself or (b) any bona fide cooperative association which furnishes service only to its stockholders or members on a non-profit basis or (c) any producer of natural gas not engaged in distributing such gas directly to the public for compensation

(18) "Railroad" means every railroad other than a

street railway by whatsoever power operated for public use in the conveyance of passengers or property or both and all the facilities thereof

(19) "Rate" means every individual or joint fare toll charge rental or other compensation whatsoever of any public utility or contract carrier by motor vehicle made demanded or received for any service within this act offered rendered or furnished by such public utility or contract carrier by motor vehicle whether in currency legal tender or evidence thereof in kind in services or in any other medium or manner whatsoever and whether received directly or indirectly and any rules regulations practices classifications or contracts affecting any such compensation charge fare toll or rental

(20) "Service" is used in this act in its broadest and most inclusive sense and includes any and all acts done rendered or performed and any and all things furnished or supplied and any and all facilities used furnished or supplied by public utilities or contract carriers by motor vehicle in the performance of their duties under this act to their patrons employes other public utilities and the public as well as the interchange of facilities between two or more of them

(21) "Street Railway" means every railroad and railway or any extension or extensions thereof by whatsoever power operated for public use in the conveyance of passengers or property or both located mainly or in part upon above below through or along any highway in any city borough or town and not constituting or used as a part of a trunk line railroad system and all the facilities thereof

(22) "Tariff" means all schedules of rates all rules regulations practices or contracts involving any rate or rates including contracts for interchange of service and in the case of a common carrier schedules showing the method of distribution of the facilities of such common carriers

(23) "Transportation of Passengers or Property" means any and all service in connection with the receiving transportation elevation transfer in transit ventilation refrigeration icing storage handling and delivering of property baggage or freight as well as any and all service in connection with the transportation or carrying of passengers

The singular shall include the plural and the masculine shall include the feminine and neuter

ARTICLE II

Certificate of Public Convenience

Section 201 Organization of Public Utilities and Beginning of Service Upon the approval of the commission evidenced by its Certificate of Public Convenience first had and obtained and not otherwise it shall be lawful for any proposed public utility

(a) To be incorporated organized or created Provided That existing laws relative to the incorporation organization and creation of such public utilities shall first have been complied with prior to the application to the commission for its Certificate of Public Convenience

(b) To begin to offer render furnish or supply service within this Commonwealth

Section 202 Enumeration of Acts Requiring Certificate Upon approval of the commission evidenced by its Certificate of Public Coivenience first had and obtained and upon compliance with existing laws and not otherwise it shall be lawful

(a) For a foreign public utility to obtain the right to do business within this Commonwealth if existing laws permit such foreign public utility to exercise its powers and franchises within this Commonwealth

(b) For any public utility to renew its charter or obtain any additional right power franchise or privilege by any amendment or supplement to its charter or otherwise

(c) For any public utility to begin the exercise of any additional right power franchise or privilege

(d) For any public utility to dissolve or to abandon or surrender in whole or in part any service right power franchise or privilege Provided That the commission by regulation may exempt any class of service from the provisions of this paragraph

(e) For any public utility to begin the construction installation or operation of any new plant or system or the construction or installation of any extension improvement or addition to its existing plant or system or to acquire from or transfer to any person or corporation including a municipal corporation by any method or device whatsoever (including among other things a consolidation merger sale or lease) the title to or the possession or use of any tangible or intangible property whatsoever Provided however That the commission may by regulation exempt any class of construction installation or improvement or any class of property from the provisions of this paragraph

(f) For any public utility to acquire five per centum or more of the voting capital stock of any corporation

(g) For any municipal corporation to acquire construct or begin to operate any plant equipment or other facilities for the rendering or furnishing to the public of any public utility service beyond its corporate limits

Section 203 Procedure to Obtain Certificates of Public Convenience (a) Every application for a Certificate of Public Convenience shall be made to the commission in writing be verified by oath or affirmation and be in such form and contain such information as the commission may require by its regulations A Certificate of Public Convenience shall be granted by order of the commission only if and when the commission shall find or determine that the granting of such certificate is necessary or proper for the service accommodation convenience or safety of the public and the commission in granting such certificate may impose such condition as it may deem to be just and reasonable In every case the commission shall make a finding or determination in writing stating whether or not its approval is granted Any holder of a Certificate of Public Convenience exercising the authority conferred by such certificate shall be deemed to have waived any and all objections to the terms and conditions of such certificate

(b) For the purpose of enabling the commission to make such finding or determination it shall hold such hearings which shall be public and before or after hearing it may make such inquiries physical examinations valuations and investigations and may require such plans specifications and estimates of cost as it may deem necessary or proper in enabling it to reach a finding or determination

ARTICLE III

Rate and Rate Making

Section 301 Rates to be Just and Reasonable Every rate made demanded or received by any public utility or by any two or more public utilities jointly shall be just and reasonable and in conformity with regulations or orders of the commission Provided That any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits shall be subject to regulation and control by the commission as to rates with the same force and in like manner as if such service were rendered by a public utility

Section 302 Tariffs Filing and Inspection Under such regulations as the commission may prescribe every public utility shall file with the commission within such time and in such form as the commission may designate tariffs showing all rates established by it and collected or enforced or to be collected or enforced within the jurisdiction of the commission The tariffs of any public utility also subject to the jurisdiction of a Federal regulatory body shall correspond so far as practicable to the form of those prescribed by such Federal regulatory body Every public utility shall keep copies of such tariffs open to public inspection under such rules and regulations as the commission may prescribe

Section 303 Adherence to Tariffs No public utility shall directly or indirectly by any device whatsoever or in anywise demand or receive from any person corporation or municipal corporation a greater or less rate for any service rendered or to be rendered by such public utility than that specified in the tariffs of such public utility applicable

thereto then filed in the manner provided in this act The rates specified in such tariffs shall be the lawful rates of such public utility until changed as provided in this act

Section 304 Discrimination in Rates No public utility shall as to rates make or grant any unreasonable preference or advantage to any person corporation or municipal corporation or subject any person corporation or municipal corporation to any unreasonable prejudice or disadvantage No public utility shall establish or maintain any unreasonable difference as to rates either as between localities or as between classes of service Unless specially authorized by the commission no public utility shall make demand or receive any greater rate in the aggregate for the transportation of passengers or property of the same class or for the transmission of any message or conversation for a shorter than for a longer distance over the same line or route in the same direction the shorter being included within the longer distance or any greater rate as a through rate than the aggregate of the intermediate rates Nothing herein contained shall be deemed to prohibit the establishment of reasonable zone or group systems or classifications of rates or in the case of common carriers the issuance of excursion commutation or other special tickets at special rates or to prohibit the granting of non-transferable free passes or free service or passes or service at a discount to any officer employe or pensioner of such common carrier or telephone company No rate charged by a municipality for any public utility service rendered or furnished beyond its corporate limits shall be considered unjustly discriminatory solely by reason of the fact that a different rate is charged for a similar service within its corporate limits

Section 305 Advance Payment of Rates No public utility shall require the payment of rates in advance or the making of minimum payments or deposits to secure future payments of rates except as the commission by regulation or order may permit Provided That any deposit made by any consumer under the provisions of this section or under any act repealed by this act shall be returned with any interest due thereon to the consumer making such deposit when he shall have paid undisputed bills for service over a period of twelve consecutive months

Section 306 Apportionment of Joint Rates Where public utilities entitled to share in any joint rate shall be unable to agree upon the division thereof or shall make any unjust or unreasonable division or apportionment thereof the commission may after hearing upon its own motion or upon complaint fix the proportion to which each public utility shall be entitled

Section 307 Sliding Scale of Rates (a) Any public utility except a common carrier may establish a sliding scale of rates or such other method for the automatic adjustment of the rates of the public utility as shall provide a just and reasonable return on the fair value of the property used and useful in the public service to be determined upon such equitable or reasonable basis as shall provide such fair return Provided That a tariff showing the scale of rates under such arrangement is first filed with the commission and such tariff and each rate set out therein approved by it The commission may revoke its approval at any time and fix other rates for any such public utility if after notice and hearing the commission finds the existing rates unjust or unreasonable

(b) The commission by regulation or order upon reasonable notice and after hearing may prescribe for any class of public utilities except a common carrier a mandatory system for the automatic adjustment of their rates by means of a sliding scale of rates or other method on the same basis as provided in paragraph (a) to become effective when and in the manner prescribed in such regulation or order Every such public utility shall within such time as shall be prescribed by the commission file tariffs showing the rates established in accordance with such regulation or order

Section 308 Voluntary Changes in Rates (a) Unless the commission otherwise orders no public utility shall make any change in any existing and duly established rate except after thirty days' notice to the commission which notice shall plainly state the changes proposed to be made in the rates then in force and the time when the changed rates will go into effect The public utility shall also give such notice of the proposed changes to other interested persons as the commission in its discretion may direct All proposed changes shall be shown by filing new tariffs or supplements to existing tariffs filed and in force at the time The commission for good cause shown may allow changes in rates without requiring the thirty days' notice under such conditions as it may prescribe

(b) Whenever there is filed with the commission by any public utility any tariff stating a new rate the commission may either upon complaint or upon its own motion upon reasonable notice enter upon a hearing concerning the lawfulness of such rate and pending such hearing and the decision thereon the commission upon filing with such tariff and delivering to the public utility affected thereby a statement in writing of its reasons therefor may at any time before it becomes effective suspend the operation of such rate for a period not longer than six months from the time such rate would otherwise become effective and an additional period of not more than three months pending such decision the rate in force when the tariff stating the new rate was filed shall continue in force during the period of suspension unless the commission shall establish a temporary rate as authorized in section three hundred ten of This act The commission shall consider the effect of such suspension in finally determining and prescribing the rates to be thereafter charged and collected by such public utility

(c) If after such hearing the commission finds any such rate to be unjust or unreasonable or in anywise in violation of law the commission shall determine the just and reasonable rate to be charged or applied by the public utility for the service in question and shall fix the same by order to be served upon the public utility and such rate shall thereafter be observed until changed as provided by this act

Section 309 Rates Fixed on Complaint Whenever the commission after reasonable notice and hearing upon its own motion or upon complaint finds that the existing rates of any public utility for any service are unjust unreasonable or in anywise in violation of any provision of law the commission shall determine the just and reasonable rates (including maximum or minimum rates) to be thereafter observed and in force and shall fix the same by order to be served upon the public utility and such rates shall constitute the legal rates of the public utility until changed as provided in this act

Section 310 Temporary Rates (a) The commission may in any proceeding involving the rates of a public utility brought either upon its own motion or upon complaint after reasonable notice and hearing if it be of opinion that the public interest so requires immediately fix determine and prescribe temporary rates to be charged by such public utility pending the final determination of such rate proceeding Such temporary rates so fixed determined and prescribed shall be sufficient to provide a return of not less than five per centum upon the original cost less booked accrued depreciation of the physical property (when first devoted to public use) of such public utility used and useful in the public service and if the duly verified reports of such public utility to the commission do not show such original cost less booked accrued depreciation of such property the commission may estimate such cost less depreciation and fix determine and prescribe rates as hereinbefore provided

(b) If any public utility does not have as part of its records a permanent inventory or property account kept in the manner prescribed by the commission under the provisions of section five hundred two of this act then the commission after reasonable notice and hearing may establish temporary rates which shall be sufficient to provide a return of not less than an amount equal to the operating income for the year ending December thirty-first one thousand nine hundred thirty-five or such other subsequent year as the commission may deem proper to be determined on the basis of data appearing in the annual report of such public utility to the commission for the year one thousand nine hundred thirty-five or such other year as the commission may deem proper plus or minus

such return as the commission may prescribe from time to time upon such net changes of the physical property as are reported to and approved for rate-making purposes by the commission Provided That the commission in determining the basis for temporary rates may make such adjustments in the annual report data as may in the judgment of the commission be necessary and proper

(c) The commission may in the manner hereinbefore set forth fix determine and prescribe temporary rates every month or at any other interval if it be of opinion that the public interest so requires and the existence of proceedings begun for the purpose of establishing final rates shall not prevent the commission from changing every month or at any other interval such temporary rates as it has previously fixed determined and prescribed

(d) Whenever the commission upon examination of any annual or other report or of any papers records books or documents or of the property of any public utility shall be of opinion that any rates of such public utility are producing a return in excess of a fair return upon the fair value of the property of such public utility used and useful in its public service the commission may by order prescribe for a trial period of at least six months which trial period may be extended for one additional period of six months such temporary rates to be observed by such public utility as in the opinion of the commission will produce a fair return upon such fair value and the rates so prescribed shall become effective upon the date specified in the order of the commission Such rates so prescribed shall become permanent at the end of such trial period or extension thereof unless at any time during such trial period or extension thereof the public utility involved shall complain to the commission that the rates so prescribed are unjust or unreasonable Upon such complaint the commission after hearing shall determine the issues involved and pending final determination the rates so prescribed shall remain in effect

(e) Temporary rates so fixed determined and prescribed under this section shall be effective until the final determination of the rate proceeding unless terminated sooner by the commission In every proceeding in which temporary rates are fixed determined and prescribed under this section the commission shall consider the effect of such rates in fixing determining and prescribing rates to be thereafter demanded or received by such public utility on final determination of the rate proceeding If upon final disposition of the issues involved in such proceedieng the rates as finally determined are in excess of the rates prescribed in such temporary order then such public utility shall be permitted to amortize and recover by means of a temporary increase over and above the rates finally determined such sum as shall represent the difference between the gross income obtained from the rates prescribed in such temporary order and the gross income which would have been obtained under the rates finally determined if applied during the period such temporary order was in effect

Section 311 Valuation of Property of a Public Utility The commission may after reasonable notice and hearing ascertain and fix the fair value of the whole or any part of the property of any public utility in so far as the same is material to the exercise of the jurisdiction of the commission and may make revaluations from time to time and ascertain the fair value of all new construction extensions and additions to the property of any public utility When any public utility furnishes more than one of the different types of utility service enumerated in paragraph seventeen of section two of this act the commission shall segregate the property used and useful in furnishing each type of such service and shall not consider the property of such public utility as a unit in determining the value of the property of such public utility for the purpose of fixing rates

Section 312 Burden of Proof in Rate Proceedings In any proceeding upon the motion of the commission involving any proposed or existing rate of any public utility or in any proceeding upon complaint involving any such proposed rate the burden of proof to show that the rate involved is just and reasonable shall be upon the public utility The commission shall give to the hearing and decision of any such proceeding preference over all other proceedings and decide the same as speedily as possible

Section 313 Refunds (a) If in any proceeding involving rates the commission shall determine that any rate received by a public utility was unjust or unreasonable or was in violation of any regulation or order of the commission or was in excess of the applicable rate contained in an existing and effective tariff of such public utility the commission shall have the power and authority to make an order requiring the public utility to refund the amount of any excess paid by any patron in consequence of such unlawful collection within two years prior to the date of the filing of the complaint together with interest at the legal rate from the date of each such excessive payment In making a determination under this section the commission need not find that the rate complained of was extortionate or oppressive Any order of the commission awarding a refund shall be made for and on behalf of all patrons subject to the same rate of the public utility The commission shall state in any refund order the exact amount to be paid the reasonable time within which payment shall be made and shall make findings upon pertinent questions of fact An appeal may be taken to the Superior Court from any refund order but if no such appeal is taken the parties shall be bound by the findings and orders of the commission

(b) If the public utility fails to make refunds within the time for payment fixed by any final order of the commission or any appellate court as the case may be any patron entitled to any refund may sue therefor in any Court of Common Pleas of this Commonwealth and the findings and order made by the commission shall be prima facie evidence of the facts therein stated and that the amount awarded is justly due the plaintiff in such suit and the defendant public utility shall not be permitted to avail itself of the defense that the service was in fact rendered to the plaintiff at the rate contained in its tariffs in force at the time payment was made and received nor shall the defendant public utility be permitted to avail itself of the defense that the rate was reasonable Provided That any patron entitled to any refund shall be entitled to recover in addition to the amount of refund a penalty of fifty per centum of the amount of such refund together with all court costs and reasonable attorney fees No suit may be maintained for a refund unless instituted within one year from the date of the order of the commission or its final affirmance by an appelate court Any number of patrons entitled to such refund may join as plaintiffs and recover their several claims in a single action in which action the court shall render a judgment severally for each plaintiff as his interest may appear

(c) No action shall be brought in any court for a refund unless and until the commission shall have determined that the rate in question was unjust or unreasonable or in violation of any regulation or order of the commission or in excess of the applicable rate contained in an existing and effective tariff and then only to recover such refunds as may have been awarded and directed to be paid by the commission in such order

ARTICLE IV

Service and Facilities

Section 401 Character of Service and Facilities Every public utility shall furnish and maintain adequate efficient safe and reasonable service and facilities and shall make all such repairs changes alterations substitutions extensions and improvements in or to such service and facilities as shall be necessary or proper for the accommodation convenience and safety of its patrons employes and the public Such service also shall be reasonably continuous and without unreasonable interruptions or delay Such service and facilities shall be in conformity with the regulations and orders of the commission Subject to the provisions of this act and the regulations or orders of the commission every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service Any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits shall be subject to

regulation and control by the commission as to service and extensions with the same force and in like manner as if such service were rendered by a public utility

Section 402 Discrimination in Service No public utility shall as to service make or grant any unreasonable preference or advantage to any person corporation or municipal corporation or subject any person corporation or municipal corporation to any unreasonable prejudice or disadvantage No public utility shall establish or maintain any unreasonable difference as to service either as between localities or as between classes of service but nothing herein contained shall be deemed to prohibit the establishment of reasonable classifications of service

Section 403 Operation and Distribution of Facilities of Common Carriers Every common carrier shall furnish a reasonably sufficient number of safe facilities and run and operate the same with such motive power as may reasonably be required in the transportation of all such passengers or property as may seek or be offered to it for such transportation and shall operate its facilities with sufficient frequency at such reasonable and proper times and to and from such stations or points as the commission having regard to the accommodation convenience and safety of the public may require and when required by the commission shall change the time schedule for the operation of its facilities and generally shall make any other arrangements and improvements in its service which the commission may require If at any particular time a common carrier may not have sufficient facilities to meet the requirements for the transportation of property then it shall lawfully distribute all available facilities among the several applicants therefor without discrimination between shippers localities or competitive or noncompetitive points in accordance with such regulations as the commission may prescribe Provided That such regulations in the case of common carriers also engaged in interstate commerce shall conform so far as practicable to those prescribed by any Federal regulatory body on the subject And provided further That preferences may always be given in the supply of facilities for transportation of fuel livestock or perishable matter

Section 404 Transfers and Time Schedules of Common Carriers Every common carrier shall whenever the commission shall after hearing had upon its own motion or upon complaint deem it necessary or proper for the accommodation convenience and safety of the public in the transportation of passengers transfer such passengers to or from another part of the system of such common carrier and to this end shall make proper and convenient arrangement or adjustment of the time schedules of such common carrier and shall also make such proper and convenient arrangement or adjustment of the time schedules of such common carrier with those of like contiguous or connecting common carriers as the commission shall deem necessary or proper for the accommodation convenience and safety of the public

Section 405 Common Carrier Connections with Order Lines Every common carrier shall construct and maintain whenever the commission may after hearing had upon its own motion or upon complaint require the same such switch or other connections with or between the lines of like common carrier where the same is reasonably practical to form a continuous line of transportation and to cause the transportation of passengers or property between points within this Commonwealth to be without unreasonable interruption or delay and shall establish through routes and service therein and joint rates applicable thereto and where practicable shall transport passengers or property over the same without transfer from the originating facilities In case of failure of the common carriers concerned to agree among themselves upon the division of the cost of construction maintenance and operation of the connections thus provided for or the allowance to be made for the interchange of service the commission shall ascertain and by order prescribe and fix the equitable and just apportionment and division of the same

Section 406 Railroad Connections with Side Tracks and Laterals Every public utility engaged in a railroad business shall upon application of any owner or operator of any lateral railroad or any private side track or of any shipper tendering property for transportation or of any consignee construct maintain and operate at a reasonable place and upon reasonable terms a switch connection with any such lateral railroad or private side track which may be constructed to connect with its railroad where such connection may be reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same Provided That whenever any lateral line of railroad or private side track has been so connected with a line of any railroad or whenever any owner of such lateral railroad or private side track has at any time heretofore sold or leased or shall hereafter sell or lease such lateral railroad or side track to any public utility engaged in a railroad business any person or corporation including a municipal corporation shall be entitled to connect therewith or to use the same upon payment to the party incurring the primary expense thereof of a reasonable proportion of the cost of such lateral railroad or private side track and of the maintenance thereof which shall be determined in case of disagreement among the parties by the commission after notice to the interested parties and a hearing Provided That such connection and use can be made without unreasonable interference with the use thereof by the party incurring the primary expense of owning or leasing such lateral railroad or side track

Section 407 Liability of Common Carriers for Damages to Property in Transit Bills of Lading Every common carrier that receives property for transportation between points within this Commonwealth shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof for any loss damage or injury to such property caused by it or any other common carrier to which such property may be delivered or over whose line such property may be transported No contract receipt rule or regulation shall exempt such common carrier from the liability hereby imposed Provided That the commission may by regulation or order authorize or require any common carrier to establish and maintain rates related to the value of shipments declared in writing by the shipper or agreed upon in writing as the released value of such shipments such declaration or agreement to have no effect other than to limit liability and recovery to an amount not exceeding the value so declared or released Any tariff file pursuant to such regulation or order shall specifically refer thereto Provided further That nothing in this section shall deprive any lawful holder of such receipt or bill of lading of any remedy or right of action which such holder has under existing laws Any common carrier issuing such receipt or bill of lading shall in the event of a recovery of a judgment against or of a satisfaction made by such common carrier for such loss or damage be entitled to recover from the common carrier on whose line the loss or damage shall have been sustained an amount not in excess of the loss or damage to such property which the lawful holder of such bill of lading or receipt would otherwise have been entitled to recover against such last mentioned common carrier and not in excess of the amount actually paid to the holder of such receipt or bill of lading

Section 408 Joint Use of Telephone and Telegraph Facilities (a) The comimssion may upon complaint or upon its own motion after reasonable notice and hearing by order require any two or more public utilities engaged in a telephone or telegraph business whose lines or wires form a continuous line of communication or could be made to do so by the construction and maintenance of suitable connections or the joint use of facilities or the transfer of messages at common points between different localities which cannot be communicated with or reached by the lines of either public utility alone where such service is not already established or provided to establish and maintain through lines within the Commonwealth between two or more such localities The rate for such service shall be just and reasonable and the commission shall have power to establish the same and declare the portion thereof to which each company affected thereby is entitled and the manner in which the same must be secured and paid All facilities necessary to establish such service shall be constructed and maintained in such manner and under such rules with such division of expense and labor as may be required by the commission

(b) The commission may upon complaint or upon its own motion after reasonable notice and hearing by order require any one or more public utilities engaged in a telephone or telegraph business to connect their facilities through the medium of suitable trunk lines with such manual or automatic inter-communicating telephone or telegraph systems as may be wholly owned or leased by such public utilities or by any other person or corporation Rates for such trunk line connections and service shall be in accordance with tariffs filed with and approved by the commission

Section 409 Construction Improvement Protection and Abolition of Crossings Recording (a) No public utility shall without prior order of the commission construct its facilities across the facilities of any other public utility or across any highway at grade or above or below grade or at the same or different levels and no highway without like order shall be so constructed across the facilities of any public utility and without like order no such crossing heretofore or hereafter constructed shall be altered relocated or abolished Provided That the commission may by regulation exempt any class of crossings from the requirements of this paragraph

(b) The commission is hereby vested with exclusive power to appropriate property for any such crossing and to determine and prescribe by regulation or order the points at which and the manner in which such crossing may be constructed altered relocated or abolished and the manner and conditions in or under which such crossings shall be maintained operated and protected to effectuate the prevention of accidents and the promotion of the safety of the public

(c) Upon its own motion or upon complaint the commission shall have exclusive power after hearing upon notice to all parties in interest including the owners of adjacent property to order any such crossing heretofore or hereafter constructed to be relocated or altered or to be abolished upon such reasonable terms and conditions as shall be prescribed by the commission In determining the plans and specifications for any such crossing the commission may lay out establish and open such new highways as in its opinion may be necessary to connect such crossing with any existing highway or make such crossing more available to public use and may abandon or vacate such highways or portions of highways as in the opinion of the commission may be rendered unnecessary for public use by the construction relocation or abandonment of any of such crossings The commission may order the work of construction relocation alteration protection or abolition of any crossing aforesaid to be performed in whole or in part by any public utility or municipal corporation concerned or by the Commonwealth

(d) When any real property is appropriated by the commission under this section each parcel of such property so appropriated shall be accurately described by metes and bounds and the record owner of each such parcel shall be named in the order of appropriation The commission shall file with the recorder of deeds of the proper county a copy of such order of appropriation and such other detailed information as the commission may deem necessary Such order shall be recorded and indexed under the name or names of the record owners of such property at the expense of the county

Section 410 Ejectment in Crossing Cases When any real property is appropriated by the commission in connection with a crossing improvement under this act the commission may direct the removal of all structures within the lines of such appropriation All such orders heretofore made are hereby ratified and validated In any case where any such order has been or shall be made the Court of Common Pleas of the county wherein the property appropriated shall be situate may upon petition by the commission the Department of Highways or the county commissioners issue a writ or writs of possession Such writs shall be issued after petition for a rule returnable in ten days to show cause why the writ shall not be issued Such rule shall be served by the sheriff upon the respondents named in the petition and upon all other persons found in possession of any occupied dwelling house taken in whole or in part by such condemnation or appropriation The prothonotary shall add the names of such other persons as respondents after service of the rule If no answer be filed or if an answer is filed and after such hearing as the court shall direct it shall deem the same to be insufficient the court shall upon motion direct such writ to issue and shall order and direct the sheriff of the county or his deputy to execute such writ and deliver possession to the Commonwealth or the county as the case may be Such procedure shall not be considered as in derogation of or in any manner affecting any other powers or procedure possessed by the Commonwealth or county in such cases No bond or other form of security shall be required to be filed by the Commonwealth or the county

Section 411 Compensation for Damages Occasioned by Construction Relocation Protection Alteration or Abolition of Crossings (a) The compensation for damages which the owners of adjacent property taken injured or destroyed may sustain in the construction relocation alteration protection or abolition of any crossing under the provisions of this act shall after due notice and hearing be ascertained and determined by the commission Such compensation as well as the expense of such construction relocation alteration protection or abolition of any crossing shall be borne and paid as hereinafter provided by the public utilities or municipal corporations concerned or by the Commonwealth in such proper proportions as the commission may after due notice and hearing determine unless such proportions are mutually agreed upon and paid by the interested parties Any party to the proceeding dissatisfied with the determination of the commission may appeal therefrom as provided in section one thousand one hundred one of this act and for this purpose is hereby authorized to sue the Commonwealth Provided however That the commission may of its own motion or upon application of any party in interest submit to the Court of Common Pleas of the county wherein the property affected is located the determination of the amount of damages to any property owner due to such condemnation for which purpose such court shall appoint viewers from whose award of damages an appeal to said court shall lie on the part of any person or party aggrieved thereby under the general law applicable to the appointment of viewers for the ascertainment of damages due to the condemnation of private property for public use

(b) The amount of damages or compensation determined and awarded to be paid the owners of adjacent property by the Commonwealth as aforesaid shall in each instance be paid by the State Treasurer on a warrant drawn by the Auditor General upon the presentation to that officer of a statement setting forth the amount determined to be paid as aforesaid duly certified by the commission such payment to be paid out of any funds specifically appropriated for the improvement of the roads or highways of the Commonwealth and in case of a verdict and judgment thereon for the damages or compensation recorded by any such adjacent property owners upon appeal the same shall be paid out of any funds appropriated as aforesaid and any Court of Common Pleas hearing and determining such appeal is hereby authorized and empowered to issue a writ of mandamus to such commission the Auditor General and the State Treasurer or any of them as the case may require for the payment of such judgment

(c) The commission shall have the right to recover for and on behalf of the Commonwealth by due process of law as debts of like amount are now by law recoverable from the public utility or municipal corporation concerned in such amounts or proportions against each as may be determined by the commission as hereinbefore provided in this section the amount of the damages or compensation awarded to the owners of adjacent property by the commission or by the court of the proper county on appeal and the amounts so received shall be paid into the State Treasury through the Department of Revenue to the credit of the Motor License Fund

Section 412 Standards of Service and Facilities The commission may after reasonable notice and hearing upon its own motion or upon complaint prescribe as to service and facilities just and reasonable standards classifications regulations and practices to be furnished imposed observed

and followed by any or all public utilities prescribe adequate and reasonable standards for the measurement of quantity quality presure initial voltage or other condition pertaining to the supply of the service of any and all publice utilities prescribe reasonable regulations for the examination and testing of such service and for the measurement thereof prescribe or approve reasonable rules regulations specifications and standards to secure the accuracy of all meters and appliances for measurement and provide for the examination and testing of any and all appliances used for the measurement of any service of any public utility

Section 413 Proper Service and Facilities Established on Complaint Whenever the commission after reasonable notice and hearing upon its own motion or upon complaint finds that the service or facilities of any public utility are unreasonable unsafe inadequate insufficient or unreasonably discriminatory or otherwise in violation of this act the commission shall determine and prescribe by regulation or order the reasonable safe adequate sufficient service or facilities to be observed furnished enforced or employed including all such repairs changes alterations extensions substitutions or improvements in facilities as shall be reasonably necessary and proper for the safety accommodation and convenience of the public and shall fix the same by its order or regulation

Section 414 Copies of Service Contracts Etc to be Filed with Commission Any public utility shall when required by the commission file with the commission verified copies of any and all contracts writings agreements leases arrangements or other engagements in relation to its public service entered into by such public utility with any person corporation state government or the Federal Government or any branch or subdivision thereof or any other public utility

Section 415 Testing of Appliances for Measurement of Service Every public utility furnishing service upon meter or other similar measurement shall provide and keep in and upon the premises of such public utility suitable and proper apparatus to be approved from time to time and stamped or marked by the commission for testing and proving the accuracy of meters furnished by such public utility for use and by which apparatus every meter may be tested upon the written request of the consumer to whom the same shall be furnished and in the presence of the consumer if he shall so desire If the meter so tested shall be found to be accurate within such commercially reasonable limit as the commission may fix for such meters a reasonable fee to be fixed by the commission sufficient to cover the cost of such test shall be paid by the consumer requiring such test but if not so found then the cost thereof shall be borne by the public utility furnishing the meter

Section 416 Reports of Accidents Every public utility shall give immediate notice to the commission of the happening of any accident in or about or in connection with the operation of its service and facilities wherein any person shall have been killed or injured and furnish such full and detailed report of such accident within such time and in such manner as the commission shall require Such report shall not be open for public inspection except by order of the commission and shall not be admitted in evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in such report

Section 417 Public Letting of Contracts Whenever the commission deems that the public interest so requires it may direct by regulation or order that any public utility shall award contracts or agreements for the construction improvement or extension of its plant or system to the lowest responsible bidder after a public offering has been made after advertisement and notice Provided That any such public utility may participate as a bidder in any such public offering The commission may prescribe regulations relative to such advertisement notice and public letting

Section 418 Construction and Installation of Facilities Limitations If a bona fide cooperative association has been organized to furnish light or power service to its stockholders or members only on a nonprofit basis and has filed with the commission a map of the territory to be served by such association and a statement verified by oath or affirmation showing that a majority of the prospective customers in the area are included in the project no public utility shall begin the construction or installation of any new plant or system or the construction or installation of any extension improvement or addition to its existing plant or system within said territory until the expiration of six months from the date of the filing of such map and statement In the event such association has entered into a loan agreement with any Federal agency for the financing of its proposed system and has given written notice thereof to the commission no public utility shall begin any such construction or installation within said territory until the expiration of twelve months from the date of said loan agreement

Section 419 Full Crews After reasonable notice and hearing had upon its own motion or upon complaint the commission may by order require any common carrier to employ such number of men upon any of its facilities as in the judgment of the comission is requisite for the safe and efficient operation of such facilities

Section 420 Burden of Proof in Proceedings Involving Service or Facilities In any proceeding upon the motion of the commission involving the service or facilities of any public utility the burden of proof to show that the service and facilities involved are adequate efficient safe and reasonable shall be upon the public utility

ARTICLE V

Accounting and Budgetary Matters

Section 501 Mandatory Systems of Accounts The commission may after reasonable notice and hearing establish systems of accounts (including cost finding procedures) to be kept by public utilities or may classify public utilities and establish a system of accounts for each class and prescribe the manner and form in which such accounts shall be kept Every public utility shall establish such systems of accounting and shall keep such accounts in the manner and form required by the commission The accounting system of any public utility also subject to the jurisdiction of a Federal regulatory body shall correspond as far as practicable to the system prescribed by such Federal regulatory body Provided That the commission may require any such public utility to keep and maintain supplemental or additional accounts to those required by any such regulatory body

Section 502 Continuing Property Records The commission may require any public utility to establish provide and maintain as a part of its system of accounts continuing property records including a list or inventory of all the units of tangible property used or useful in the public service showing the current location of such property units by definite reference to the specific lands parcels upon which such units are located or stored and the commission may require any public utility to keep accounts and records in such manner as to show currently the original cost of such property when first devoted to the public service and the reserve accumulated to provide for the depreciation thereof

Section 503 Depreciation Accounts Reports (a) Every public utility shall carry on its books or records of account proper and reasonable sums representing the annual depreciation on its property used or useful in the public service which sums shall be based upon the average estimated life of each of the several units or classes of depreciable property The commission by appropriate order after hearing may establish for each class of public utilities the units of depreciable property the loss upon the retirement of which shall be charged to the depreciation reserve

(b) Every public utility shall file with the commission at such times and in such form as the commission may prescribe statements setting forth the details supporting its computation of annual depreciation as recorded on the books or records of accounts of the public utility If the commission upon review of such statements is of the opinion that the amount of annual depreciation so recorded by any public utility is not reasonable and proper it may after hearing require that provision be made for annual

depreciation in such sums as may be found by it to be reasonable and proper In making its findings the commission shall give consideration to the experience of the public utility and the predecesors of the public utility in accumulating depreciation reserves the retirements actually made and such other factors as may be deemed relevant

(c) The commission shall not be bound in rate proceedings to acept as just and reasonable for rate-making purposes estimates of anual depreciation established under the provisions of this section but in such rate proceedings it may give consideration to statements submitted hereunder in addition to such other factors as may be relevant

Section 504 Records and Accounts to be Kept in Commonwealth Every public utility shall keep such books accounts papers records and memoranda as shall be required by the commission in an office within this Commonwealth and shall not remove the same or any of them from the Commonwealth except upon such terms and conditions as may be prescribed by the commission but the provisions of this section shall not apply to a public utility of another state engaged in interstate commerce whose accounts are kept at its principal place of business without the Commonwealth in the manner prescribed by any Federal regulatory body Provided That such public utility when required by the commission shall furnish to the commission within such reasonable time as it shall fix certified copies of its books accounts papers records and memoranda relating to the business done by such public utility within this Commonwealth

Section 505 Burden of Proof in Proceeding Involving Accounts The burden of proof to justify every accounting entry questioned by the commission shall be upon the public utility making authorizing or requiring such entry and the commission may suspend any charge or credit pending submission of such proof by such public utility

Section 506 Budgets of Public Utilities (a) The commission may by regulation require any class of public utilities except common carriers to file proposed budgets with the commission on or before the first day of each budgetary period showing the amount of money which each public utility within such class will in its judgment expend during the budgetary period for payment of salaries of executive officers donations advertising lobbying expenses entertainment political contributions expenditures and major contracts for the sale or purchase of facilities and all items covering or contemplating any payment to any affiliated interest for advice auditing associating sponsoring engineering managing operating financing legal or other services Adjustments or additions to any such budget may be made from time to time by filing supplementary budgets with the commission When any such budget or supplemental budget has been filed the commission may examine into and investigate the same to determine whether any or all of the contemplated expenditures are unreasonable or contrary to the public interest and if after reasonable notice and hearing it shall so determine it shall make its findings and order in writing rejecting the same or any part thereof

(b) Upon such rejection the public utility concerned shall not make further expenditures or payments under the budget or part thereof rejected and no expenditures at any time made under such rejected budget or part thereof shall be allowed as an operating expense or capital expenditure in any rate or valuation proceeding or in any other proceeding or hearing before the commission unless and until the propriety thereof shall have been established to the satisfaction of the commission and any such finding or order shall remain in full force and effect unless and until such finding or order shall be vacated modified or set aside by the commission or upon an appeal as provided in this act

(c) The filing of any budget its examination investigation or determination by the commission under this section shall not bar or estop the commission from determining in any rate valuation or other proceeding whether any or all of the expenditures made under any budget or supplemental budget are reasonable or commensurate with the service or facilities received

Section 507 Inspection of Books and Records by Commission The commission shall at all times have access to and may designate any of its employes to inspect and examine any and all accounts records books maps inventories appraisals valuations or other reports documents and memoranda kept by public utilities or prepared or kept for them by others and the commission may require any public utility to file with the commission copies of any or all of such accounts records books maps inventories appraisals valuations or other reports documents and memoranda

Section 508 Municipal Corporations Accounts Reports The provisions of sections five hundred one five hundred three and five hundred seven of this act shall apply to any municipal corporation rendering or furnishing to the public any public utility service

ARTICLE VI

Securities and Obligations

Section 601 Registration of Securities to be Issued or Assumed (a) Under such regulations as the commission may prescribe every public utility before it shall execute cause to be authenticated deliver or make any change in any term or condition of any stock certificate or other evidence of equitable interest in itself or any bond note trust certificate or other evidence of indebtedness of itself any or all of which acts are hereinafter included in the term "issuance of securities" shall have filed with the commission and shall have received from the commission notice of registration of a document to be known as a Securities Certificate Provided however That the commission by regulation or order may exempt public utilities from the requirements of this paragraph as to any class of securities And provided further That neither (1) the execution authentication or delivery of securities to replace identical securities lost mutilated or destroyed while in the ownership of a bona fide holder-for-value who properly indemnifies the public utility therefor nor (2) the execution authentication or delivery of securities in exchange for the surrender of identical securities solely for the purpose of registering or facilitating changes in the ownership thereof between bona fide holders-for-value which surrendered securities are thereupon cancelled nor (3) the delivery from the treasury of the public utility of securities previously reacquired from bona fide holders-for-value and held alive shall be deemed an issuance of securities under this subsection

(b) Under such regulations as the commission may prescribe every public utility before it shall assume primary or contingent liability for the payment of any dividends upon any stocks or of any principal or interest of any indebtedness created or incurred by any other person or corporation any or all of which acts are hereinafter included in the term "assumption of securities" shall have filed with the commission and shall have received from the commission notice of registration of a document to be known as a Securities Certificate Provided however That the requirements of this paragraph shall not apply to an assumption of securities if the commission shall have approved the acquisition of all the property of the issuing company by the assuming company as provided in paragraph (e) of section two hundred two of this act

Section 602 Contents of Securities Certificates Every Securities Certificate shall be verified by oath or affirmation and shall be in such form and contain such information pertinent to a proposed issuance or assumption of securities as the commission may require by its regulations If two or more issues of securities are proposed to be issued or assumed by a public utility a separate Securities Certificate shall be submitted to the commission for the issuance or assumption of each security issue Whenever the commission shall receive a Securities Certificate which in its opinion does not contain a detailed exposition of all facts pertinent to the transaction involved it may require the public utility submitting such Securities Certificate to submit further information under oath or affirmation or it may conduct such investigation hold such hearings and subpoena and examine such witnesses books accounts and records as it may deem proper All informa-

tion so obtained shall become a part of the Securities Certificate

Section 603 Registration and Rejection of Securities Certificates Appeals (a) Upon the submission or completion of any Securities Certificate as hereinbefore provided the commission shall register the same if it shall find that the issuance or assumption of securities in the amount of the character and for the purpose therein proposed is necessary or proper for the present and probable future capital needs of the public utility filing such Securities Certificate otherwise it shall reject the Securities Certificate The commission may consider the relation which the amount of each class of securities issued by such public utility bears to the amount of other such classes the nature of the business of such public utility its credit and prospects and other relevant matters If at the end of thirty days after the filing of a Securities Certificate no order of rejection has been entered such certificate shall be deemed in fact and law to have been registred Provided That the commission may by written order giving reasons therefor extend the thirty day consideration period Such registration or rejection may be as to all or part of the securities to which such Securities Certificate pertains and any registration may be made subject to such conditions as the commission may deem reasonable in the premises No registration however shall be construed to imply any guaranty or obligation on the part of the Commonwealth of Pennsylvania as to such securities nor shall it be taken as requiring the commission in any proceeding brough before it for any purpose to fix a valuation which shall be equal to the total of such securities and any other outstanding securities of such public utility or to approve or prescribe a rate which shall be sufficient to yield a return on such securities or the total securities of such public utility Written notice of the registration or rejection of any Securities Certificate shall be served by registered mail upon the public utility which notice shall be under the seal of the commission and signed by its secretary or other designated officer Provided however That every notice of rejection shall contain a statement of the specific reasons for rejection Both registered and rejected Securities Certificates shall be retained in the files of the commission

(b) At any time within thirty days after the commission shall have rejected a Securities Certificate the public utility submitting such Securities Certificate may submit amendments thereto verified by oath or affirmation whereupon the commission shall again consider and act upon the Securities Certificate as provided in paragraph (a) but a Securities Certificate which shall have been twice rejected by the commission shall not be amended again The registration by the commission of a Securities Certificate either as completed or amended shall bind the public utility submitting such Securities Certificate to issue or assume the securities only under the terms and for the purpose recited in such Securities Certificate and the issuance or assumption of the securities under any other terms or for any other purpose shall be unlawful

(c) Appeals from the action of the commission upon any Securities Certificates may be taken in the same manner as hereinafter provided in this act for the taking of appeals from orders of the commission The completed Securities Certificate shall constitute the record to be certified to the appellate court in such appeal

Section 604 Unauthorized Securities May be Declared Void In addition to any penalty provided elsewhere in this act for any violation of this article the commission after due consideration of the public interest may declare void any securities issued or any assumption of securities made in violation of this article Provided however That any such declaration shall not be construed as a bar to the recovery by an innocent holder-for-value of such securities of any losses sustained by reason of the wrongful acts of the issuing or assuming public utility

ARTICLE VII

Relations with Affiliated Interests

Section 701 Contracts for services (a) Within thirty days after the effective date of this act every public utility having in force any contract with an affiliated interest for the furnishing to such public utility of any management supervisory purchasing construction engineering financing or other services shall file a copy of such contract or if oral a complete statement of the terms and conditions thereof with the commission

(b) Every public utility which shall hereafter enter into any such contract or which shall change any such existing contract shall file a copy of such contract with the commission within ten days after its execution or change

(c) The commission shall have authority at any time to investigate every such contract filed in accordance with this section and if after reasonable notice and hearing it shall determine that the amounts paid or payable thereunder are in excess of the reasonable cost of furnishing the services provided for in the contract or that such services are not reasonably necessary and proper it shall order such amounts insofar as found excessive to be stricken from the books of account of the public utility as charges to fixed capital or operating expenses as the case may be and shall not consider such amounts in any proceeding In any proceeding involving such amounts the burden of proof to show that such amounts are not in excess of the reasonable cost of furnishing such services and that such services are reasonable and proper shall be on the public utility

Section 702 Other Contracts Donations (a) No public utility shall without the prior approval of the commission make effective or modify any contract with an affiliated interest other than a contract for services as referred to in section seven hundred one or by way of donation give to or receive from an affiliated interest any property money security right or thing Application for such approval shall be in writing and shall be in such form and contain such information as the commission may prescribe by its regulations The commission may exempt from the requirements of this section any class of contracts or donations Provided however That if the commission shall have granted its approval to any public utility to contract with an affiliated interest for the loan of sums of money at intervals or for any continuing or serial transactions the commissions may after hearnig and upon a finding of public interest withdraw its approval thereof and all portions of the contract made pursuant thereto then executory shall be void and all transactions thereunder other than payment by either party for value already received shall be unlawful

Section 703 Contracts to be in Writing Cost Data The commission may by regulation or order require any contract with an affiliated interest to be in writing The commission may also by regulation or order require that any contract with an affiliated interest shall contain a provision whereby the affiliated interest shall agree to furnish to the public utility at the time of billing such public utility for any service property security right or thing under such contract a detailed statement of the cost to the affiliated interest of such service property security right or thing

Section 704 Existing Contracts To Be Filed Within ninety days after the effective date of this act every public utility having a contract with an affiliated interest other than a contract for services as referred to in section seven hundred and one which was entered into before such date and was wholly or partially executory on such date shall file a copy of such contract or if oral a complete statement of the terms and conditions thereof with the commission Provided however That the commission may exempt public utilities from the requirements of this section as to any class of such contracts

Section 705 Effect on Rates No approval granted to any public utility by the commission with respect to any contract with or any donation to or from an affiliated interest and no exemption granted by any regulation or order of the commission with respect thereto shall bind or require the commission in fixing the rates of such public utility to take into consideration any payment made or any property right or thing received by such public utility under any contract entered into extended or amended or donation given or received pursuant to such approval or exemption The commission shall not be bound in fixing the rates of any public utility to take into con-

sideration any unreasonable payment made by such public utility under any contract with an affiliated interest

Section 706 Contracts in Violation of Act Void Every contract with an affiliated interest made effective or modified in violation of any provision of this act or of any regulation or order of the commission made under this act shall be void and any purchase sale payment lease loan or exchange of any service property money security right or thing under such contract or under any contract with an affiliated interest the terms of which shall have been breached by the affiliated interest shall be unlawful

ARTICLE VIII

Contract Carriers by Motor Vehicle and Brokers

Section 801 Declaration of Policy It is hereby declared to be the policy of the Legislature to regulate in this act the service of common carriers by motor vehicle and forwarders in such manner as to recognize and preserve the inherent advantages of and foster sound economic conditions in such service and among such carriers and forwarders in the public interest to promote safe adequate economical and effiicent service by common carriers by motor vehicle and forwarders and just and reasonable rates therefor without unjust discrimination and unfair or destructive practices to improve the relations between and coordinate the service and regulation of common carriers by motor vehicle forwarders and other carriers to develop and preserve safe highway transportation system properly adapted to the needs of the commerce of the Commonwealth of Pennsylvania and insure its availability between all points of production and markets of this Commonwealth It is hereby found as a fact after due investigation and deliberation that the service of common carriers by motor vehicle forwarders contract carriers by motor vehicle and brokers including the procurement and provision of motor vehicles and other facilities for the safe transportation of passengers or property over the highways are so closely interwoven and interdependent and so directly affect each other that in order effectively to regulate such common carriers by motor vehicle and forwarders and to provide a proper and safe highway transportation system in the public interest it is necessary to regulate the service of such contract carriers by motor vehicle and brokers including the procurement and provision of motor vehicles and other facilities for the safe transportation of passengers or property over the highways in the manner set forth in this article

Section 802 Regulation of Contract Carriers and Brokers Required The commission shall have the power and its duty shall be

(a) To regulate contract carriers by motor vehicle as provided in this article and to that end the commission may prescribe minimum rates which are just and reasonable and establish requirements with respect to uniform systems of accounts records reports preservation of records safety of service and equipment and insurance and

(b) To regulate brokers as provided in this article and to that end the commission may prescribe requirements with respect to licensing financial responsibility accounts reports records services and practices of any such brokers

Section 803 Classification of Contract Carriers and Brokers The commission may from time to time establish such classifications of contract carriers by motor vehicle or brokers as the special nature of the service of such carriers or brokers shall require and such rules regulations and requirements consistent with the provisions of this article to be observed by such carriers or brokers so classified or grouped as the commission deems necessary or desirable in the public interest

Section 804 Permits Required of Contract Carriers (a) No person or corporation shall engage in the business of a contract carrier by motor vehicle unless there is in force with respect to such carrier a permit issued by the commission authorizing such person or corporation to engage in such business Provided That if any such carrier or a predecessor in interest was rendering service as a bona fide contract carrier by motor vehicle upon the effective date of this act over any route or within the territory for which application is made and has rendered such service or as contemplated by any contract actually in force and effect on such date between the applicant and his customer has rendered such service since that date or if engaged in furnishing only seasonal service was doing so on such date during the season ordinarily covered by his service the commission shall issue such permit without further proceedings if application for such permit is made to the commission as provided in paragraph (b) of this section and within one hundred twenty days after the effective date of this act Otherwise the application for such permit shall be determined by the commission in accordance with the provisions of paragraph (b) of this section During the aforesaid period of one hundred twenty days and pending the determination of any such application the continuance of such service of the applicant shall be lawful

(b) Every application for such permit shall be made to the commission in writing be verified by oath or affirmation and shall be in such form and contain such information as the commission may require by its regulations A permit shall be issued by the commission to any qualified applicant therefor authorizing in whole or in part the service covered by the application if it appears from the application or from any hearing held thereon that the applicant is fit willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this article and the lawful orders or regulations of the commission thereunder and that the proposed service to the extent authorized by the permit will be consistent with the public interest and the policy declared in section eight hundred one of this act otherwise such application shall be denied The commission shall specify in the permit the business of the contract carrier by motor vehicle covered thereby and the route and area required in serving the customers in such business and shall attach to it at the time of issuance and from time to time thereafter such reasonable terms conditions flexibility and limitations consistent with the character of the holder as are necessary to carry out with respect to the service of such carrier the requirement established by the commission under section eight hundred two of this act

Section 805 Dual Operation by Motor Carriers After the effective date of this act no person or corporation shall at the same time hold a certificate of public convenience as a common carrier by motor vehicle and a permit as a contract carrier by motor vehicle unless for good cause shown the commission shall find that such certificate and permit may be held consistently with the public interest and with the policy declared in section eight hundred one of this act

Section 806 Licenses and Financial Responsibility Required of Brokers (a) No person or corporation shall engage in the business of a broker in this Commonwealth unless such person holds a brokerage license issued by the commission Provided however That no such person or corporation by virtue of a brokerage license shall render service as a motor carrier unless he holds a certificate of public convenience or permit as the case may be It shall be unlawful for any broker to employ any motor carrier who or which is not the lawful holder of an effective certificate of public convenience or permit

(b) Every application for a brokerage license shall be made to the commission in writing be verified by oath or affirmation and shall be in such form and contain such information as the commission may by its regulations require A brokerage license shall be issued to any qualified applicant therefor authorizing the whole or any part of the service covered by the applicant if it is found that the applicant is fit willing and able properly to perform the service proposed and to conform to the provisions of this act and the lawful orders and regulations of the commission thereunder and that the proposed service to the extent authorized by the license will be consistent with the public interest and the policy declared in section eight hundred one of this act otherwise such application shall be denied Any broker rendering service upon the effective date of this act may continue such service for a period of one hundred twenty days thereafter without a license and if application for such license is made within such period the broker may under such regulations as the commission shall prescribe continue such service until otherwise ordered by the commission

(c) The commission shall prescribe reasonable regulations to be observed by any broker for the protection of passengers or property transported by motor vehicle and no brokerage license shall be issued or remain in force unless the holder thereof shall have furnished a bond or other security approved by the commission in such form and amount as will insure the financial responsibility of the broker and the transportation of passengers or property in accordance with contracts agreements or arrangements therefor

Section 807 Transferability of Permits and Licenses Except as hereafter provided in section eight hundred eight of this act any permit or brokerage license issued under this article may be transferred pursuant to such regulations as the commission may prescribe

Section 808 Regulation of Securities Etc of Contract Carriers (a) Contract carriers by motor vehicle with respect to the issuance or assumption of securities shall be subject to the provisions of article six of this act Provided That the commission may exempt contract carriers by motor vehicle from any or all of the requirements of article six of this act as to any class of securities

(b) Contract carriers by motor vehicle with respect to the acquisition or transfer of tangible and intangible property shall be subject to the provisions of paragraph (e) of section two hundred two of this act

(c) Contract carriers by motor vehicle shall be subject to the requirements of section nine hundred fifteen of this act with respect to surety bonds insurance and qualifications as self-insurers

Section 809 Copies of Contracts to be Filed with Commission It shall be the duty of every contract carrier by motor vehicle to reduce to writing and file with the commission all contracts or copies thereof pertaining to the service of such carrier and such other information pertaining to the rates of such carrier in such form and detail and at such times as the commission may require

Section 810 Minimum Rates Fixed and Practices Prescribed on Complaint Whenever after hearing upon complaint or its own motion the commission finds that any rate of any contract carrier by motor vehicle or any regulation or practice of any such carrier affecting such rate for the transportation of passengers or property contravenes the policy declared in section eight hundred one of this act the commission may prescribe such minimum rates or such regulations or practices as in its judgment may be just and reasonable to promote the policy declared in such section Such minimum rates or such regulations or practices so prescribed by the commission shall not be inconsistent with the policy declared in section eight hundred one of this act and the commission shall give due consideration to the cost of the service of such carriers and to the effect of such minimum rates or such regulations or practices upon the transportation of passengers or property by such carriers and diversion of the business of any common carrier by motor vehicle to other forms of transportation All complaints to the commission under this section shal lstate fully the facts complained of and the reasons for such complaints and shall be made under oath or affirmation

Section 811 Accounts Records and Reports (a) The commission is hereby authorized to require annual periodical or special reports from all contract carriers by motor vehicle and brokers to prescribe the maner and form in which such reports shall be made and to require from such carriers and brokers specific answers to all questions upon which the commission may deem information to be necessary Such reports shall be under oath or affirmation whenever the commission so requires

(b) The commission may prescribe the forms of any and all accounts records and memoranda including the accounts records and memoranda of the movement of traffic as wel as of the receipts and expenditures of money to be kept by contract carriers by motor vehicle and brokers and the length of time such acounts records and memoranda shal be preserved and whenever the commission shal so prescribe it shall be the duty of every contract carrier by motor vehicle and broker affected to comply therewith

(c) In every case of a contract carrier by motor vehicle or broker subject to the jurisdiction of any Federal regulatory body the systems of accounts records and memoranda prescribed by the commission shall conform so far as practicable to those prescribed by such regulatory body

Section 812 Designation of Agent for Service of Notice and Process Every contract carrier by motor vehicle and broker shall file with the commission a designation in writing of the name and post office address of a person within the Commonwealth upon whom service of any notice process or order may be made under this act Such designation may from time to time be changed by like writing similarly filed Service of any notice process or order in proceedings under this article may be made by personal service upon a contract carrier by motor vehicle or broker or upon the person so designated by such carrier or broker or by registered mail to such carrier or broker or to such person at the address so filed

Section 813 Temporary Permits and Licenses The commission under such regulations as it shall prescribe may without hearing in proper cases consider and approve applications for permits and licenses and in emergencies grant temporary permits and licenses under this article pending action on permanent permits or licenses but no application shall be denied without right of hearing thereon being tendered the applicant

ARTICLE IX

General Provisions and Powers of Commission

Section 901 Administrative Authority of Commission Regulations The commission shall have general administrative power and authority to supervise and regulate all public utilities doing business within this Commonwealth The commission may make such regulations not inconsistent with the law as may be necessary or proper in the exercise of its powers or for the performance of its duties under this act

Section 902 Commission to Enforce Act In addition to any powers hereinbefore expressly enumerated in this act the commission shall have full power and authority and it shall be its duty to enforce execute and carry out by its regulations orders or otherwise all and singular the provisions of this act and the full intent thereof and shall have the power to rescind or modify any such regulations or orders The express enumeration of the powers of the commission in this act shall not exclude any power which the commission would otherwise have under any of the provisions of this act

Section 903 Enforcement Proceedings by Commission Whenever the commission shall be of opinion that any person or corporation including a municipal corporation is violating or is about to violate any provisions of this act or has done or is about to do any act matter or thing herein prohibited or declared to be unlawful or has failed omitted neglected or refused or is about to fail omit neglect or refuse to perform any duty enjoined upon it by this act or has failed omitted neglected or refused or is about to fail omit neglect or refuse to obey any lawful requirement regulation or order made by the commission or any final judgment order or decree made by any court then and in every case the commission may institute in the Court of Common Pleas of Dauphin County injunction mandamus or other appropriate legal proceedings to restrain such violations of the provisions of this act or of the regulations or orders of the commission and to enforce obedience thereto and such Court of Common Pleas is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions No injunction bond shall be required to be filed by the commission Such persons corporations or municipal corporations as the court may deem necessary or proper to be joined as parties in order to make its judgment order or writ effective may be joined as parties The final judgment in any such action or proceedingl shal either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief An appeal may be taken as in other civil actions

Section 904 Enforcement Proceedings by Attorney General The Attorney General in addition to the exercise of the powers and duties now conferred upon him by law shall also upon request of the commission or upon his own motion proceed in the name of the Commonwealth by mandamus injunction or quo warranto or other appropriate remedy at law or in equity to restrain violations of the provisions of this act or of the regulations or orders of the commission or the judgments orders or decrees of any court or to enforce obedience thereto

Section 905 Reports by Public Utilities The commission may require any public utility to file periodical reports at such times and in such form and of such content as the commission may prescribe and special reports concerning any matter whatsoever about which the commission is authorized to inquire or to keep itself informed or which it is required to enforce The commission may require any public utility to file with it a copy of any report filed by such public utility with any Federal department or regulatory body All reports shall be under oath or affirmation when required by the commission

Section 906 Duty to Furnish Information to Commission Cooperation in Valuing Property Every public utility shall furnish to the commission from time to time and as the commission may require all maps profiles reports of engineers books papers records and other documents or memoranda or copies of any and all of them in aid of any inspection examination inquiry investigation or hearing in aid of any determination of the value of its property or any portion thereof and shall cooperate with the commission in the work of the valuation of its property or any portion thereof and shall furnish any and all other information to the commission as the commission may require in any inspection examination inquiry investigation hearing or determination of such value of its property or any portion thereof

Section 907 Adherence to Regulations and Orders of Commission and Courts Every public utility its officers agents and employes and every other person or corporation subject to the provisions of this act affected by or subject to any regulations or orders of the commission or of any court made issued or entered under the provisions of this act shall observe obey and comply with such regulations or orders and the terms and conditions thereof so long as the same shall remain in force

Section 908 Inspection of and Access to Facilities and Records of Public Utilities The commission shall have full power and authority either by or through its members or duly authorized representatives whenever it shall deem it necessary or proper in carrying out any of the provisions of this act or its duties under this act to enter upon the premises buildings machinery system plant and equipment and make any inspection valuation physical examination inquiry or investigation of any and all plant and equipment facilities property and pertient records books papers memoranda documents or effects whatsoever of any public utility and to hold any hearing for such purposes In the performance of such duties the commission may have access to and use any books records or documents in the possession of any department board or commission of the Commonwealth or any political subdivision thereof

Section 909 Certified Copies of Documents Regulations and Orders Admissible in Evidence Copies of all official documents regulations and orders filed or deposited in the office of the commission certified by the secretary under the official seal of the commission to be true copies of the originals shall be evidence in like manner as the originals in all matters before the commission and in the courts of this Commonwealth

Section 910 Designation of Statutory Agent Every public utility shall file with the commission a designation in writing of the same and post office address of a person within the Commonwealth upon whom service of any notice order or process may be made under this act Such designation may from time to time be changed by like writing similarly filed

Section 911 Contracts Between Public Utilities and Municipalities No contract or agreement between any public utility and any municipal corporation shall be valid unless filed with the commission at least thirty days prior to its effective date Provided That upon notice to the municipal authorities and the public utility concerned the commission may prior to the effective date of such contract or agreement institute proceedings to determine the reasonableness legality or any other matter affecting the validity thereof Upon the institution of such proceedings such contract or agreement shall not be effective until the commission grants its approval thereof Provided further That nothing in this section shall be construed to apply to contracts or agreements between any public utility and any municipal corporation which provide only for the furnishing of sevice at the regularly filed and published tariff rates

Section 912 Regulation of Manufacture Sale or Lease of Appliances It shall be unlawful for any public utility engaged in the manufacture sale or lease of any appliance or equipment offered by such public utility for sale to the public

(a) To discontinue service to any consumer for failure of such consumer to pay the whole or any installment of the purchase price or rental of any appliance or equipment sold to such consumer

(b) To apply to the purchase price or rental or any part thereof of any apliance or equipment purchased by or leased to a consumer of the service of the public utility and deposit or other moneys of the consumer in the possession of the public utility Provided That this restriction shall not apply to any claims of the public utility against such consumer when such claims arise from damages to meters or other facilities used to measure and ascertain the quantity of service rendered by the public utility

(c) To employ in the manufacture sale or lease of any such appliance or equipment any property used in or revenue derived from the rendering of service to the public unless separate accounts as to the property used and the costs incurred by and the revenue derived from the manufacture lease or sale of such appliance or equipment are adopted used and kept by the public utility

(d) To employ in the manufacture sale or lease of any such appliance or equipment the service of any officer or employe engaged in rendering service to the public unless separate accounts as to the amount paid to such officer or employe while engaged in the manufacture lease or sale of such appliance or equipment and whether any amount be salary bonus commission or expense are adopted used and kept by the public utility

Section 913 Joint Hearings and Investigations Reciprocity (a) The commission shall have full power and authority to make joint investigations hold joint hearings within or without the Commonwealth and issue joint or concurrent orders in conjunction or concurrence with any official board commission or agency of any state or of the United States wether in the holding of such investigations or hearings or in the making of such orders the commission shall function under agreements or compacts between states or under the concurrent power of states to regulate the interstate commerce or as an agency of the Federal Government or otherwise

(b) The commission shall have full power and authority to arrange reciprocity of treatment of public utilities and contract carriers by motor vehicle of this Commonwealth by regulatory bodies under regulatory laws of other states and to that end the commission is hereby vested with power to impose upon public utilities and contract carriers by motor vehicle of other states the same penalties restrictions and regulations as are imposed upon public utilities and contract carriers by motor vehicle of this Commonwealth by the regulatory body of such other states upon public utilities and contract carriers by motor vehicle of this Commonwealth when operating into out of or through such other states

Section 914 Investigation of Interstate Rates Facilities and Service The commission may investigate the interstate rates traffic facilities or service of any public utility within this Commonwealth and when such rates facilities or service are in the determination of the commission unjust unreasonable discriminatory or in violation of any Federal law or in conflict with the rulings orders or reg-

ulations of any Federal regulatory body the commission may apply by petition to the proper Federal regulatory body for relief or may present to the proper Federal regulatory body all facts coming to its knowledge as to the violation of the rules orders or regulations of such regulatory body or as to the violation of the particular Federal Law

Section 915 Motor Carriers to Carry Insurance Unless Permitted to be Self-Insurers The commission may as to motor carriers prescribe by regulation or order such requirements as it may deem necessary for the protection of persons or property of their patrons and the public including the filing of surety bonds the carrying of insurance or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters

Section 916 Inspectors for Enforcement of Provisions Pertaining to Motors Carriers The commission may employ such inspectors as it may deem necessary for the purpose of enforcing the provisions of this act Such inspectors are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view without writ rule order or process any person operating as a motors carrier or common carrier by airplane without a certificate or permit required by this act Such inspectors are hereby given authority to stop vehicles on the highways of this Commonwealth and to inspect the cargoes of such vehicles and any receipts or bills of lading pertaining to such cargoes

Section 917 Effect on Existing Liabilities and Rights of Action Except as otherwise expressly provided none of the powers or duties conferred or imposed by this act upon the commission and none of the regulations orders certificates permits or licenses made registered or issued by the commission and none of the duties powers or limitations of the powers conferred or imposed by this act upon public utilities contract carriers by motor vehicle or brokers or the performance or exercise thereof shall be construed in anywise to abridge or impair any of the obligations duties or liabilities of any public utility contract carrier by motor vehicle or broker in equity or under the existing common or statutory law of the Commonwealth but all such obligations duties and liabilities shall be and remain as heretofore And except as otherwise provided nothing in this act contained shall in any way abridge or alter the existing rights of action or remedies in equity or under the common or statutory law of the Commonwealth it being the intention that the provisions of this act shall be cumulative and in addition to such rights of action and remedies

Section 918 Effect of Certificates Licenses and Permits The issuing or registration by the Commission of any certificate license or permit whatsoever under the provisions of this act or any finding determination or order made by the commission refusing or granting such certificates licenses or permits shall not be construed to revive or validate any lapsed terminated invalidated or void powers franchises rights or privileges or to enlarge or add to the rights powers franchises or privileges contained in any charter or in the grant of any franchise or any supplement or amendment to any charter or to give or remit any forfeiture The registration of any Securities Certificates shall not be deemed to require the commission in subsequently determining the rates to be charged for the service of any public utility to provide a rate which shall be sufficient to yield a return on such securities

Section 919 Powers of Certain Governmental Agencies Unaffected Nothing in this act shall be construed to impair the powers and duties of the Secretary of Internal Affairs in the exercise of the general supervision over railroads canals and other transportation companies vested in him by the Constitution and laws of this Commonwealth nor shall this act or any provision therein be construed to deprive the Department of Health the Sanitary Water Board or the Water and Power Resources Board of this Commonwealth of any jurisdiction powers or duties now vested in them or either of them by the laws of this Commonwealth

Section 920 Contracts Power of the Commission to Vary Reform or Revise The commission shall have power and authority to vary reform or revise upon a fair reasonable and equitable basis any obligations terms or conditions of any contract heretofore or hereafter entered into between any public utility and any person corporation or municipal corporation which embrace or concern a public right benefit privilege duty or franchise or the grant thereof or are otherwise affected or concerned with the public interest and the general well-being of the Commonwealth

Whenever the commission shall determine after reasonable notice and hearing upon its own motion or upon complaint that any such obligations terms or conditions are unjust unreasonable inequitable or otherwise contrary or adverse to the public interest and the general well being of the Commonwealth the commission shall determine and prescribe by findings and order the just reasonable and equitable obligations terms and conditions of such contract Such contract as modified by the order of the commission shall become effective thirty days after service of such order upon the parties to such contract

Section 921 Burden of Proof in Proceedings Involving a Determination or Order of the Commission In any case involving any alleged violation by a public utility contract carrier by motor vehicle or broker of any lawful determination or order of the commission the burden of proof shall be upon the public utility contract carrier by motor vehicle or broker complained against to show that the determination or order of the commission has been complied with

ARTICLE X

Procedure Before the Commission

Section 1001 Complaints The commission or any person corporation or municipal corporation having an interest in the subject matter or any public utility concerned may complain in writing setting forth any act or thing done or omitted to be done by any public utility in violation or claimed violation of any law which the commission has jurisdiction to administer or of any regulation or order of the commission Any public utility or other person or corporation subject to this act likewise may complain of any regulation or order of the commission which the complainant is or has been required by the commission to observe or carry into effect The commission by regulation may prescribe the form of complaints filed under this section

Section 1002 Service of Complaints on Parties Upon the filing of a complaint against any person or corporation including a municipal corporation the commission shall cause a copy thereof to be served upon such person corporation or municipal corporation accompanied by a notice from the commission calling upon such person corporation or municipal corporation to satisfy the complaint or to answer the same in writing within such reasonable time as may be specified by the commission in such notice Service in all hearings investigations and proceedings pending before the commission shall be made by registered mail as the commission may direct

Section 1003 Fixing of Hearings (a) The commission shall fix the time and place of hearing within or without the Commonwealth if any is required and shall serve notice thereof upon parties in interest The commission may dismiss any complaint without a hearing if in its opinion a hearing is not necessary in the public interest

(b) If any person corporation or municipal corporation complained against within the time specified by the commission shall satisfy the complaint the commission by its order shall dismiss the complaint but such person corporation or municipal corporation shall be relieved from responsibility only for the specific matter complained of If such person corporation or municipal corporation shall not satisfy the complaint within the time specified and it shall appear to the commission from a consideration of the complaint and answer or otherwise that reasonable ground exists for investigating such complaint it shall be the duty of the commission to fix a time and place for a hearing

Section 1004 Hearings to be Public Record of Proceedings All hearings before the commission or its representative shall be public and shall be conducted in accord-

ance with such regulations as the commission may prescribe A full and complete record shall be kept of all proceedings had before the commission or its representative on any formal hearing and all testimony shall be taken down by a reporter appointed by the commission and the parties shall be entitled to be heard in person or by attorney and to introduce evidence

Section 1005 Decisions by Commission After the conclusion of the hearing the commission shall make and file its findings and order with its opinion if any Its findings shall be in sufficient detail to enable the court on appeal to determine the controverted question presented by the proceeding and whether proper weight was given to the evidence A copy of such order certified under the seal of the commission shall be served by registered mail upon the person corporation or municipal corporation against whom it runs or his attorney and notice thereof shall be given to the other parties to the proceedings o rtheir attorney Such order shall take effect and become operative as designated therein and shall continue in force either for a period which may be designated therein or until changed or revoked by the commission If an order cannot in the judgment of the commission be complied with within the time designated therein the commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order and may on application and for good cause shown extend the time for compliance fixed in its order

Section 1006 Rehearing After an order has been made by the commission any party to the proceedings may within fifteen days after the service of the order apply for a rehearing in respect of any matters determined in such proceedings and specified in the application for rehearing and the commission may grant and hold such rehearing on such matters No application for a rehearing shall in anywise operate as a supersedeas or in any manner stay or postpone the enforcement of any existing order except as the commission may by order direct If the application be granted the commission may affirm rescind or modify its original order Any order so made after such rehearing shall have the same force and effect as an original order

Section 1007 Amendment and Rescission or Orders The commission may at any time after notice and after opportunity to be heard as provided in the case of complaints rescind or amend any order made by it Any order rescinding or amending a prior order shall when served upon the person corporation or municipal corporation affected and after notice thereof is given to the other parties to the proceedings have the same effect as is herein provided for original orders but no such order shall affect the legality or validity of any acts done by such person corporation or municipal corporation before service by registered mail upon such person corporation or municipal corporation of the notice of such change

Section 1008 Investigations The commission may on its own motion and whenever it may be necessary in the performance of its duties investigate and examine the condition and management of any public utility or any other person or corporation subject to this act In conducting such investigations the commission may proceed either with or without a hearing as it may deem best but it shall make no order without affording the parties affected thereby a hearing

Section 1009 Oaths and Subpoenas The commission or its representative shall have the power in any part of the Commonwealth to subpoena witnesses to administer oaths to examine witnesses or to take such testimony or compel the production of such books records papers and documents as it may deem necessary or proper in and pertinent to any proceeding investigation or hearing held or had by it and to do all necessary and proper things and acts in the lawful exercise of its powers or the performance of its duties The fees for serving a supoena shall be the same as those paid sheriffs for similar services

Section 1010 Depositions The commission or any commissioner or any party to proceedings b' ore the commission may cause the deposition of witnesses residing within or without the Commonwealth to be taken in the manner prescribed by law for taking depositions in civil actions

Section 1011 Witness Fees Witnesses who are summoned before the commission shall be paid the same fees and mileage as are paid to witnesses in the courts of record of general jurisdiction Witnesses whose depositions are taken pursuant to the provisions of this act and the officer taking the same shall be entitled to the same fees as are paid for like services in such courts All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses of the commission

Section 1012 Privilege and Immunity No person shall be excused from testifying or from producing any book document paper or account in any investigation or inquiry by or hearing before the commission or its representaitve when ordered to do so upon the ground that the testimony or evidence book document paper or account required may tend to incriminate him or subject him to penalty or forfeiture but no person shall be prosecuted punished or subpected to any forfeiture or penalty for or on account of any act transaction matter or thing concerning which he shall have been compelled under objection to testify or produce documentary evidence Provided That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony

Section 1013 Informal Hearings The commission may in addition to the hearings specially provided by this act conduct such other hearings as may be required in the administration of the powers and duties conferred upon it by this act and by other acts relating to public utilities Reasonable notice of all such hearings shall be given the persons interested therein

Section 1014 Notice of all hearings investigations and proceedings before the commission shall be given in such manner as the commission may prescribe by regulation or order

ARTICLE XI

Review and Appeals

Section 1101 Appeals to Courts Jurisdiction and Practice (a) Within thirty days after the service of any order by the commission unless an application for a rehearing may be pending and then within thirty days after the service of the order refusing such application of the service of an order modifying amending recinding or affirming the original order any party to the proceedings affected thereby may appeal therefrom the Superior Court Such court is hereby clothed with exclusive jurisdiction throughout the Commonwealth for the purpose of hearing and determining any and all such appeals Provided That in case of an appeal from an award by the commission of compensation for damages resulting from an appropriation of real property under the provisions of this act the appeal shall in case any party is entitled to demand a jury trial under section eight of article sixteen of the Constitution of this Commonwealth be to the courts of the proper county thereof but in all other cases shall be to the Superior Court In case of any such appeal from such an award where the commission shall have apportioned the amount thereof among or shall have directed the payment thereof by any public utility municipal corporation or the Commonwealth any such public utility municipal corporation or the Commonwealth may intervene and be heard in the trial of such appeal under such rules and regulations as the court shall prescribe If an appeal be taken to any court other than the Superior Court the case shall proceed in accordance with the practice and procedure made and provided in such cases

(b) All appeals to the Superior Court shall be by petition setting forth specifically and concisely the error or arrors assigned to the order of the commission which petition shall be accompanied by a copy of the order appealed from and shall also be accompanied by affidavit of the appelant or of the agent or attorney of such appelant that the appeal is not taken for the purpose of delay but because the appellant verily believes that injustice has been done Each error relied on must be specified particularly and set forth in a separate numbered paragraph of the petition

Section 1102 Notice of Appeal Certification of Record and Costs of Certification The commission shall be immediately notified in writing by the appealant of the tak-

ing of an appeal and within a reasonable time after service of such notice shall certify under its official seal to the proper court as hereinbefore provided the record of such proceedings which record shall include the evidence taken therein a copy of all orders made by the commission in such proceedings and a copy of the opinion if any filed by the commission before or after notice of appeal The cost of preparing and certifying such record shall be paid to the commission by the appellant and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the appeal

Section 1103 Supersedeas Security No appeal from any order of the commission except as hereinafter provided shall in any case operate as a supersedas of the order appealed from unless the Superior Court shall by an interlocutory order make such appeal a supersedeas Such interlocutory order shall be made only after such notice to the commission and other parties of record as the court may direct and after hearing Upon the granting of a supersedeas in any case the court may in its discretion require the filing of a bond to the Commonwealth for the use of all parties aggrieved in such sum and conditioned as the court may by its order direct or may grant the supersedeas upon such other terms and conditions as the court in its discretion may prescribe Provided That the effect of any such supersedeas shall be to continue in effect the temporary rates if any previously established in the proceeding by the commission

Section 1104 Parties on Appeal In any appeal to the Superior Court the court may order the complainant in the original complaint to be added to the record as a party and such party shall be permitted to join in the defense of the order of the commission at issue The court may also upon application by petition and cause shown permit any person corporation or municipal corporation to intervene in such proceedings and be added as a party appellant or appellee therein Notice of such application to intervene shall be served upon the commission within three days of the filing of such application

Section 1105 Pleading and Issue on Appeal An answer may be filed by the commission within thirty days after being served with notice of the taking of an appeal Leave may also be given by the court to any other party to the record to file an answer Upon the filing of an answer by the commission or if no such answer is filed within thirty days after service of notice of appeal the case shall be considered at issue and a hearing shall be held before such court as hereinafter provided without further pleadings Copies of the petition and answer if any shall be served upon the opposite party or parties within five days after filing the same

Section 1106 No Evidence Admitted on Appeal Remission for Further Evidence No evidence shall be received at the hearing on any appeal but if any party shall satisfy the court that evidence has been discovered since the hearing before the commission that could not have been obtained for use at that hearing by the exercise of reasonable diligence and will materially affect the merits of the case the court may in its discretion remand the record and proceedings to the commission with directions to take such after discovered evidence and after consideration thereof to make such order as the commission may deem proper from which order an appeal shall lie as in the case of any other final order

Section 1107 Record on Appeal Scope of Inquiry and Disposition of Costs Any appeal to the Superior Court shall be determined upon the record certified by the commission to the court All evidence in such record so certified may be considered by the court regardless of any technical rule might have rendered the same inadmissible if originally offered in the trial of an action at law The court may dismiss the appeal or vacate the order complained of in whole or in part In case the order is wholly or partly vacated the court may also in its descretion remand the matter to the commission for such further proceedings not inconsistent with the decree as in the opinion of the court justice may require The order of the commission shall not be vacated or set aside either in whole or in part except for error of law or lack of evidence to support the finding determination or order of the commission or violation of constitutional rights The costs resulting from any appeal shall be upon the appellant unless the court shall make other disposition of the costs in its decree

Section 1108 Precedence of Appeals All appeals from the orders of the commission to the Superior Court shall take precedence upon the calendars of such court over all civil actions election cases suits for wages and workmen's compensation cases

Section 1109 Appeals to Supreme Court Within thirty days after the entry of any final judgment order or decree of the Superior Court any party to the record aggrieved thereby may appeal therefrom to the Supreme Court if the jurisdiction of the Superior Court is in issue or if the case involves the construction or application of the Constitution of the United States or of any statute or treaty of the United States or if the case involves the construction or application of the Constitution of Pennsylvania or if the appeal to the Supreme Court be especially allowed by the Superior Court itself or by any one justice of the Supreme Court Such appeals shall be taken and prosecuted in the same manner and with the same effect as is provided in other cases of appeal from the Superior Court to the Supreme Court

Section 1110 Right to Trial by Jury Nothing in this act contained shall be construed to deprive any party upon any such appeal and judicial review of the proceedings and orders of the commission of the right to trial by jury of any issue of fact raised thereby or therein where such right is secured either by the Constitution of the Commonwealth or of the United States but in every such case such right of trial by jury shall remain inviolate Provided however That when any appeal is taken such right shall be deemed to be waived upon all issues unless expressly reserved in such reasonable manner as shall be prescribed by the Superior Court

Section 1111 Exclusive Jurisdiction of Dauphin County Court to Hear Injunctions No injunction shall issue modifying suspending staying or annulling any order of the commission or of a commissioner except in a proceeding questioning the jurisdiction of the commission and then only after cause shown upon a hearing The Court of Common Pleas of Dauphin County is hereby clothed with exclusive jurisdiction throughout the Commonwealth of all proceedings for such injunctions subject to an appeal to the Superior Court as aforesaid

Section 1112 Effect of Commission Action Whenever the commission shall make any rule regulating finding determination or order under the provisions of this act the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby unless set aside annulled or modified in an appeal to the Superior Court taken as provided in this act

ARTICLE XII

Expenses and Fees of Commission

Section 1201 Assessment of Regulatory Expenses Upon Public Utilities (a) All of the expenses of the commission incurred in connection with the administration and enforcement of this act or any other act and paid out of the General Fund of the State Treasury shall be assessed and charged to and paid by way of reimbursement by all persons and corporations subject to this act upon such reasonable basis and in such equitable amounts and at such times and in such manner as the commission shall by regulation or order prescribe in accordance with the provisions of this section Provided That due allowance and deduction shall be made from such expenses equal to (1) the expenses attributable to the regulation of municipal corporations under this act (2) the fees and special assessments collected by the commission under the provisions of this act (3) equipment and office space expenditures

(b) Whenever the commission in a proceeding upon its own motion on complaint or upon an application to it or in connection with a Securities Certificate filed with it shall deem it necessary to investigate the books records accounts practices and activities of or make appraisals of the property of or to render any engineering or ac-

counting service to any person or corporation The salaries and traveling expenses of commission employes and office space expenditures specifically attributable to such investigation appraisal or service shall be charged to and paid by such person or corporation and shall not be included in the expense of the commission for the purpose of making assessments generally under this section but the amount so charged to and paid by any such person or corporation during any one calendar year shall not exceed one per centum of the gross operating revenues of such person or during the next preceding fiscal year

(c) The commission shall give notice by registered mail to each person or corporation of the amount lawfully charged against him or it under the provisions of this section Within fifteen days after receipt of such notice the party against which such assessment has been made may file with the commission objections setting out in detail the grounds upon which the objector regards such assessment to be excessive erroneous unlawful or invalid The commission after notice to the objector shall hold a hearing upon such objections After such hearing the commission shall record upon its minutes its findings on the objections and shall transmit to the objector by registered mail notice of the amount if any charged against him in accordance with such findings Each person or corporation shall pay the amount of such assessment to the commission within thirty days after receipt of notice of such assessment unless objections are filed thereto in which case such assessment shall be paid within ten days after receipt of notice of the findings of the commission with respect to such objections If payment is not made as aforesaid the commission through the Department of Justice may institute an appropriate action at law for the amount lawfully assessed together with any additional cost incurred by the commission or the Department of Justice by virtue of such failure to pay

(d) No suit or proceeding shall be maintained in any court for the purpose of restraining or in anywise delaying the collection or payment of any assessment made under paragraphs (a) (b) and (c) of this section but every person or corporation against whom or which an assessment is made shall pay the same as provided in paragraph (c) of this section Any person or corporation making any such payment may at any time within two years from the date of payment sue the Commonwealth in an action at law to recover the amount paid or any part thereof upon the ground that the assessment was excessive erroneous unlawful or invalid in whole or in part provided objections as hereinbefore provided were filed with the commission and payment of the assessment was made under protest either as to all or part thereof In any action for recovery of any payments made under this section the claimant shall be entitled to raise every relevant issue of law but the findings of fact made by the commission pursuant to this section shall be prima facie evidence of the facts therein stated Any records books data documents and memoranda relating to the expenses of the commission shall be admissible in evidence in any court and shall be prima facie evidence of the truth of their contents If it is finally determined in any such action that all or any part of the assessment for which payment was made under protest was excessive erroneous unlawful or invalid the commission shall make a refund to the claimant as directed by the court which shall be made from the current appropriation of the commission

(e) The provisions of this act relating to the judicial review of orders and determinations of the commission shall not be applicable to any findings determinations or assessments made under this section The procedure in this section providing for the determination of the lawfulness of assessments and the recovery back of payments made pursuant to such assessments shall be exclusive of all other remedies and procedures

(f) It is the intent and purpose of this section that the several groups of persons and corporations subject to this act shall each contribute by way of assessments sufficient funds to the Commonwealth to reimburse the Commonwealth for the reasonable cost of regulating the respective groups The commission shall keep records of the costs incurred in connection with the administration and enforcement of this act or any other act The commission shall also keep a record of the manner in which it shall have computed the amount assessed against every person or corporation Such records shall be open to inspection by all interested parties The determination of such costs and assessments by the commission and the records and data upon which the same are made shall be considered prima facie correct and in any proceeding instituted to challenge the reasonableness or correctness of any assessment under this section the party challenging the same shall have the burden of proof

Section 1202 Fees for Services Rendered by Commission The commission shall charge and collect the following fees for the following service

For copies of papers testimony and records twenty-five cents per page

For certifying a copy of any paper testimony or record two dollars

For preparing and certifying to the Superior Court any record in an appeal ten dollars

For the filing of each Securities Certificate or each application for a certificate of public convenience registration certificate permit or license ten dollars

Section 1203 Fees for Testing Appliances of Public Utilities The commission shall charge and collect from public utilities for the testing of their instruments of precision and measuring apparatus the following fees

For testing each watt-hour meter sixteen dollars

For testing each indicating instrument ten dollars

For testing each instrument transformer ten dollars

For testing each standard cell five dollars

For testing each standard resistance ten dollars

For testing each potentiometer fifty dollars

For testing each gas meter prover thirty-five dollars

For testing each calorimeter tested at the gas company's plant thirty-five dollars

For testing each calorimeter tested at the commission laboratory ten dollars

For each water meter testing apparatus tested at the company's plant fifteen dollars

For each water meter tested at the commission laboratory three dollars

Section 1204 Disposition of Assessments Costs and Fees All assessments costs and fees received collected or recovered under this article shall be paid by the commission into the General Fund of the State Treasury through the Department of Revenue

ARTICLE XIII

Penalties

Section 1301 Civil Penalties for Violations by Public Utilities (a) If any public utility shall violate any of the provisions of this act or shall do any matter or thing herein prohibited or shall fail omit neglect or refuse to perform any duty enjoined upon it by this act or shall fail omit neglect or refuse to obey observe and comply with any regulation or final direction requirement determination or order made by the commission or any order of the commission prescribing temporary rates in any rate proceeding or to comply with any final judgment order or decree made by any court such public utility for such violation omission failure neglect or refusal shall forfeit and pay to the Commonwealth of Pennsylvania the sum of fifty dollars to be recovered by an action of assumpsit instituted in the name of the Commonwealth of Pennsylvania in the court of Common Pleas of Dauphin County which court is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions In construing and enforcing the provisions of this section the violation omission failure neglect or refusal of any officer agent or employe acting for or employed by any such public utility shall in every case be deemed to be the violation omission failure neglect or refusal of such public utility (b) Each and every day's continuance in the violation of any regulation or final direction requirement determination or order of the commission or of any order of the commission prescribing temporary rates in any rate proceeding or of any final judgment order or decree made by any court shall be a separate and distinct offense Provided however

That if any interlocutory order of supersedeas or a preliminary injunction be granted no penalties shall be incurred or collected for or on account of any act matter or thing done in violation of such final direction requirement determination order or decree so superseded or enjoined for the period of time such order of supersedeas or injunction is in force

Section 1302 Penalties for Violations by Officers Agents or Employes Any person (whether or not an officer agent or employe of any public utility or any corporation who or which shall knowingly fail omit neglect or refuse to obey observe and comply with any regulation or final order direction or requirement of the commission or any order of the commission prescribing temporary rates in any rate proceeding or any final order or decree of any court or who shall knowingly procure aid or abet any such violation omission failure neglect or refusal shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine of not more than five hundred dollars or undergo imprisonment for not less than one month nor more than one year or both at the discretion of the court and upon conviction of any subsequent offense shall be sentenced to pay the costs of prosecution and a fine of not more than one thousand dollars or undergo imprisonment for not less than three months nor more than two years or both at the discretion of the court

Section 1303 Nonliability for Enforcement of Lawful Tariffs and Rates (a) No public utility nor any officer agent or employe thereof shall be liable for any penalty or forfeiture or be subject to any prosecution on account of demanding collecting or receiving any rate for any service or for enforcing any regulation or practice when such rate regulation or practice is contained in the tariffs properly filed with the commission and posted or published as herein provided and is applicable by the terms thereof at the time to such service although such rate regulation method or practice may be found by the commission to be unjust or unreasonable

(b) No contract carrier by motor vehicle nor any officer agent or employe thereof shall be liable for any penalty or forfeiture or be subject to any prosecution on account of demanding collecting or receiving any minimum rate prescribed by the commission under the provisions of this act

Section 1304 Unlawful Issuance and Assumption of Securities Any individual who shall knowingly affix his name or attestation to any stock certificate or other evidence of equitable interest or any bond note trust certificate or other security issued or assumed by any public utility or any director who shall knowingly assent to the issuance or assumption of any such stock certificate or other evidence of equitable interest or any bond note or other evidence of indebtedness or other security issued by any public utility or any director who shall knowingly assent to the issue of any such certificate of stock trust certificate corporate bond note trust certificate or other evidence of indebtedness or other security of any public utility in violation of any of the provisions or requirements of this act or of section seven of article sixteen of the Constitution or any individual who shall knowingly make or assent to any false statement in any Securities Certificate required to be registered with the commission under the provisions of article six of this act or who shall by any false statements oral or written knowingly make procure or seek to procure of the commission the registration of any such Securities Certificate shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine not exceeding five thousand dollars or undergo imprisonment for a term not exceeding five years or both in the discretion of the court

Section 1305 Misapplication of Proceeds of Securities Any individual who shall knowingly make or assent to any application or disposition of any stock certificate or other evidence of equitable interest or any bond note trust certificate or other evidence of indebtedness or other security or the proceeds of the sale or pledge thereof or any part thereof in violation of any statement or contrary to any purpose in relation thereto set forth or contained in any Securities Certificate required to be registered with the commission under the provisions of article six of this act or who shall knowingly make or assent to any false statement in any report or account to the commission as to the disposition or application of the proceeds or any part thereof of any sale or pledge of any stock certificate or other evidence of equitable interest or any bond note trust certificate or other evidence of indebtedness or other security shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine not exceeding five thousand dollars or undergo imprisonment for a term not exceeding five years or both in the discretion of the court

Section 1306 Execution of Unlawful Contracts Any individual who shall knowingly affix his name or attestation to any written contract or arrangement or who shall enter into any written contract or arrangement or any individual who shall knowingly assent to the entering into of any written or verbal contract in violation of any of the provisions or requirements of this act or any individual knowingly making or assenting to any false statement in any application for the approval of any contract or arrangement the approval of which is required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosundergo imprisonment for a ter mnot exceeding five years or both in the discretion of the court

Section 1307 Refusal to Obey Subpoena or Testify If any individual who shall be subpoenaed to attend before the commission or its representative shall fail to obey the command of such subpoena or if any individual in attendance before the commission or its representative shall refuse to be sworn or to be examined or to answer any relevant question or to produce any relevant data book record paper or document when ordered so to do by the commission or its representative such person upon conviction thereof in a summary proceeding shall be sentenced to pay the costs of prosecution and a fine of not less than fifty nor more than five hundred dollars

Section 1308 Perjury Any individual who shall wilfully or corruptly or both give any false testimony under oath or affirmation in any hearing investigation or proceeding before or by the commission or its representatives or before any notary public or other person authorized by law to take such testimony shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine not exceeding five thousand dollars or undergo imprisonment not exceeding one year or both in the discretion of the court

Section 1309 Concealment of Witnesses and Records If any individual shall absent himself from the jurisdiction of the Commonwealth or conceal himself for the purpose of avoiding service of a subpoena issued by the commission or its representative or shall remove relevant data books records papers or other documents out of this Commonwealth for the purpose of preventing their examination by the commission or shall destroy or conceal any such data books records papers or other documents for such purpose he shall be adjudged guilty of contempt and any Court of Common Pleas may impose a fine of not less than one hundred dollars for each day during the continuance of such refusal neglect concealment or removal and if such court shall find that the neglect refusal or concealment or the removal or destruction of data books records papers or other documents by such witness has been occasioned by the advice or consent of any party to the proceedings before the commission or in anywise aided or abetted by such party then in default of payment of such fine by the individual in contempt the same shall be paid by such party and may be recovered from such party by an action in the name of the Commonwealth in any Court of Common Pleas as other like fines and penalties are now by law recoverable Imprisonment for contempt shall be by commitment to the county jail of the county in which such hearing is held

Section 1310 Liability for Damages Occasioned by Unlawful Acts If any person or corporation shall do or cause to be done any act matter or thing prohibited or declared to be unlawful by this act or shall refuse

neglect or omit to do any act matter or thing enjoined or required to be done by this act such person or corporation shall be liable to the person or corporation injured thereby in the full amount of damages sustained in consequence thereof Provided That the liability of public utilities contract carriers by motor vehicles and brokers for negligence as heretofore established by statute or by common law shall not be held or construed to be altered or repealed by any of the provisions of this Act And provided further That the recovery in this section authorized shall in no manner affect a recovery by the Commonwealth of the penalty prescribed in section one thousand three hundred one of this act for such violation of this act

Section 1311 Violations by Motor Carriers Common Carriers by airplane or Brokers Any person or corporation or a motor carrier as a common carrier by airplane or as a broker without first having obtained a certificate of public convenience permit or license as required by this act shall upon conviction of a first offence in a summary proceeding before any person having the power of a committing magistrate be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars nor more than three hundred dollars and any subsequent offense by such person or corporation shall constitute a misdemeanor and upon conviction thereof such person or corporation shall be sentenced to pay the costs of prosecution and a fine of not less than one hundred dollars nor more than five hundred dollars or undergo imprisonment not exceeding six months or both in the discretion of the court Whenever imprisonment is imposed under this section the term "person" or "corporation" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

Section 1312 Limitations of Actions No action for the recovery of any penalties or forfeitures incurred under the provisions of this act and no prosecutions on account of any matter or thing mentioned in this act shall be maintained unless brought within three years from the date at which the liability therefor arose except as otherwise herein provided All suits remedies prosecutions penalties and forfeitures provided for or accruing under this act shall be cumulative

Section 1313 Disposition of Fines and Penalties All fines imposed and all penalties recovered under the provisions of this act shall be paid to the commission and by it paid into the State Treasury through the Department of Revenue to the credit of the General Fund

Section 1314 Bribery Any officer attorney agent or employe of any public utility who offers to any commissioner or to any person appointed or employed by the commission any office place appointment or position or offer to give to any commissioner or to any person employed in the service of the commission any free pass or transportation or any any reduction in fares to which the public generally is not entitled or any free carriage of property or any present gift or gratuity money or valuable thing of any kind shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine of not more than five hundred dollars or undergo imprisonment for not less than one month nor more than one year at the discretion of the court

ARTICLE XIV

Saving Clauses

Section 1401 Prior Rights of Certain Public Utilities Preserved Except as herein otherwise expressly provided every existing public utility which has been rendering service continuously at least from January first one thousand nine hundred fourteen shall be entitled to the full enjoyment and exercise of all and every the rights powers and privileges which it lawfully possessed on that date Provided That any common carrier by motor vehicle or forwarder possessing rights powers and privileges preserved by this section shall within one hundred twenty days after the effective date of this act apply to the commission in such manner as the commission may require for a registration certificate evidencing such rights powers and privileges otherwise such rights powers and privileges shall thereafter be barred Provided further That no registration certificate granted under the provisions of this section and no permit issued under the provisions of paragraph (a) of section eight hundred four of this act shall be revoked solely by reason of lack of necessity for the service authorized by such certificate or permit

Section 1402 Interstate and Foreign Commerce The provisions of this act except when specifically so provided shall not apply or be construed to apply to commerce with foreign nations or among the several states except in so far as the same may be permitted under the provisions of the Constitution of the United States and the acts of Congress

Section 1403 Severability It is hereby declared that the provisions of this act are severable one from another and severable as to the public utilities persons corporations or municipal corporations subject thereto and the subject matters respectively dealt with thereby and if for any reason one or more of such provisions be judicially held to be unconstitutional as applicable to any particular public utility person or corporation or subject matter dealt with by such provision or be held unconstitutional in anywise for any reason such holding or decision shall not affect the validity of such provision or provisions as applicable to other public utilities persons corporations or municipal corporations or subject matters dealt with thereby or the validity of the remaining provisions of this act It is hereby declared that such provision and the remaining provisions would have been enacted nothwithstanding such judicial determination of the invalidity of any of such particular provision or provisions in any respect

Section 1404 Effect on Existing Proceedings Certificates Regulations Tariffs and Contracts All litigation hearings investigations and other proceedings whatsoever pending under any act repealed by this act shall continue and remain in full force and effect and may be continued and completed under the provisions of this act All certificates orders rules regulations or tariffs made issued or filed under any act repealed by this act and in full force and effect upon the effective date of this act shall remain in full force and effect for the term issued or until revoked vacated or modified under the provisions of this act All existing contracts and obligations of the commission or its predecessor entered into or created under any act repealed by this act and in force and effect upon the effective date of this act shall remain in full force and effect and shall continue to be performed by the commission

Section 1405 Repealed Laws Not Revived Etc The repeal by this act of any other act shall not revive any law heretofore repealed or superseded and shall not impair or affect any act done offense committed or liability penalty judgment or punishment incurred prior to the time this act takes effect but the same may be enforced prosecuted or inflicted as fully and to the same extent as if this act had not been passed The provisions of this act as far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

ARTICLE XV

Effective Date and Repeals

Section 1501 Effective Date This act shall become effective the first day of June one thousand nine hundred thirty-seven

Section 1502 Repealer The following acts are hereby repealed

The act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the

exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the Courts of Common Pleas and giving the Court of Common Pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" and its amendments

The act approved the fifth day of May one thousand nine hundred twenty-one (Pamphlet Laws three hundred eighty-five) entitled "An act to empower the Public Service Commission to require railroad corporations to employ an adequate number of men upon trains and to repeal an act approved the nineteenth day of June nineteen hundred and eleven (Pamphlet Laws ten hundred and fifty-three) entitled 'An act to promote the safety of travelers and employes upon railroads by compelling common carriers by railroad to properly man their trains' "

The act approved the twenty-ninth day of June one thousand nine hundred twenty-three (Pamphlet Laws nine hundred sixty-eight) entitled "An act prescribing certain fees to be charged and collected from public service companies by the Public Service Commission of the Commonwealth of Pennsylvania for the testing and proving by said commission the accuracy of certain apparatus and instruments of precision of public service companies appropriating the moneys received from such fees to such commission for the exeneses of conducting operating and maintaining its standardization laboratory and the other meter or apparatus testing or proving activities of said commission"

The act approved the twenty-ninth day of June one thousand nine hundred twenty-three (Pamphlet Laws nine hundred seventy-five) entitled "An act prescribing the manner in which certain persons municipalities partnerships associations or corporations may intervene in appeals to the Superior Court from findings determinations or orders of the Public Service Commission of the Commonwealth of Pennsylvania"

All other acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 875, (Senate Bill No. 6), as follows:

An Act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribing the procedure in case of appeal from granting injunctions limiting the duration of temporary and permanent injunctions in case of labor disputes and providing for the payment of costs and repealing all acts or parts of acts inconsistent herewith

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows Section 1 This act shall be known and may be cited as the "Labor Anti-Injunction Act"

Section 2 In the interpretation of this act and in determining the jurisdiction and authority of the courts of this Commonwealth as such jurisdiction and authority are defined and limited in this act the public policy of this Commonwealth is hereby declared as follows

(a) Under prevailing economic conditions developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor and thereby to obtain acceptable terms and conditions of employment wherefore though he should be free to decline to associate with his fellows it is necessary that he have full freedom of association self-organization and designation of representatives of his own choosing to negotiate the terms and conditions of his employment and that he shall be free from the interference restraint or coercion of employers of labor or their agents in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection

(b) Equity procedure that permits a complaining party to obtain sweeping injunctive relief that is not preceded by or conditioned upon notice to and hearing of the responding party or parties or that permits sweeping injunctions to issue after hearing based upon written affidavits alone and not wholly or in part upon examination confrontation and cross-examination of witnesses in open court is peculiarly subject to abuse in labor litigation for the reasons that

(1) The status quo cannot be maintained but is necessarily altered by the injunction

(2) Determination of issues of veracity and of probability of fact from affidavits of the opposing parties that are contradictory and under the circumstances untrustworthy rather than from oral examination in open court is subject to grave error

(3) Error in issuing the injunctive relief is usually irreparable to the opposing party and

(4) Delay incident to the normal course of appellate

practice frequently makes ultimate correction of error in law or in fact unavailing in the particular case

Section 3 When used in this act and for the purposes of this act

(a) A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in a single industry trade craft or occupation or have direct or indirect interests therein or who are employes of the same employer or who are members of the same or an affiliated organization of employers or employes whether such dispute is (1) between one or more employers or associations of employers and one or more employes or associations of employes (2) between one or more employers or associations of employers and one or more employers or associations of employers or (3) between one or more employes or association of employes and one or more employes or association of employes or when the case involves any conflicting or competing interests in a "labor dispute" (as hereinafter defined) of "persons participating or interested" therein (as hereinafter defined)

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it and if he or it is engaged in the same industry craft or occupation in which such dispute occurs or has a direct or indirect interest therein or is a member officer or agent of any association composed in whole or in part of employers or employes engaged in such industry trade craft or occupation

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment or concerning the association or representation or persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions of employment or concerning employment relations or any other controversy arising out of the respective interests of employer and employe regardless of whether or not the disputants stand in the proximate relation of employer and employe and regardless of whether or not the employes are on strike with the employer

(d) The term "court" includes every Court of Common Pleas of the several counties of this Commonwealth including the judge or judges thereof

(e) The term "complainant" includes every person whether plaintiff or defendant in the cause who seeks affirmative relief

(f) The term "defendant" includes every person whether plaintiff or defendant in the cause against whom affirmative relief is sought

(g) The term "employer" is declared to include master and shall also include natural persons partnerships unincorporated associations joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it receivers in equity and trustees or receivers in bankruptcy

(h) The term "employe" is declared to include all natural persons who perform services for other persons and shall not be limited to the employes of a particular employer and shall include any individual who has ceased work as a consequence of or in connection with any matter involved in a labor dispute

(i) The term "organization" shall mean every unincorporated or incorporated association of employers or employes

(j) The term "labor organization" shall mean every organization of employes not dominated or controlled by any employer or any employer organization having among its purposes that of collective bargaining as to terms and conditions of employment

(k) The term "employer organization" shall mean every association of or agency representing or maintained by employers having among its purposes or activities that of studying or advising concerning relations between employers and employes or bargaining negotiating or dealing with employes or labor organizations

Section 4 No court of this Commonwealth shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case included within this act except in strict conformity with the provisions of this act nor shall any such restraining order or temporary or permanent injunction be issued contrary to the public policy declared in this act Exclusive jurisdiction and power to hear and determine all actions and suits coming under the provisions of this act shall be vested in the Court of Common Pleas of the several counties of this Commonwealth

Section 5 Any undertaking or promise such as is described in this section or any other undertaking or promise in conflict with the public policy declared in section two of this act is hereby declared to be contrary to the public policy of this Commonwealth shall not be enforceable in any court of this Commonwealth and shall not afford any basis for the granting of legal or equitable relief by any such court against a party to such undertaking or promise or against any other persons who may advise urge or induce either party thereto to act in disregard of such undertaking or promise including specifically the following

Every undertaking or promise hereafter made whether written or oral express or implied constituting or contained in any contract or agreement of hiring or employment between any individual firm company association or corporation and any employer or prospective employe of the same whereby

(a) Either party to such contract or agreement undertakes or promises not to join become or remain a member of any labor organization or of any employer organization or

(b) Either party to such contract or agreement undertakes or promises that he will withdraw from an employment relation in the event that he joins becomes or remains a member of any labor organization or of any employer organization

Section 6 No court of this Commonwealth shall have jurisdiction or power in any case involving or growing out of a labor dispute to issue any restraining order or temporary or permanent injunction which in specific or general terms restrains or prohibits any person association or corporation from doing whether singly or in concert with others notwithstanding any promise undertaking contract or agreement to the contrary any of the following acts

(a) Ceasing or refusing to perform any work or to remain in any relation of employment

(b) Becoming or remaining a member of any labor organization or of any employer organization

(c) Paying or giving to or withholding from any person any strike or unemployment benefits or unemployment insurance or other moneys or things of value

(d) By all lawful means aiding any person who is being proceeded against in or is prosecuting any action or suit involving or arising out of a labor dispute in any court of the United States or of this Commonwealth or of any state

(e) Giving publicity to and obtaining or communicating information regarding the existence of or the facts or merits involved in any labor dispute whether by advertising speaking or picketing or patrolling any public street or place where any person or persons may lawfully be or by any other method not involving misrepresentation fraud duress violence breech of the peace or threat thereof

(f) Organizing themselves forming joining or assisting in labor organizations bargaining collectively with an employer by representatives freely chosen and controlled by themselves or for the purpose of collective bargaining or other mutual aid or protection or engaging in any concerted activities

(g) Persuading by any lawful means other persons to cease patronizing or contracting with or employing or leaving the employ of any person or persons

(h) Ceasing or refusing to work with any person or group of persons

(i) Ceasing or refusing to work on any goods materials machines or other commodities

(j) Assembling peaceably to do or to organize to do any of the acts heretofore specified or to promote their lawful interests

(k) Advising or notifying any person or persons of an

intention to do or not to do any of the acts heretofore specified

(l) Agreeing with other persons to do or not to do any of the acts heretofore specified

(m) Advising urging or otherwise causing or inducing without misrepresentation fraud or violence others to do or not to do the acts heretofore specified and

(n) Doing in concert with others any or all of the acts heretofore specified Provided That the specific enumeration in this section of acts which may not be restrained or enjoined shall not be construed to authorize the injunction or restraint of any act or acts not heretofore enjoinable or restrainable

Section 7 No court of this Commonwealth shall have jurisdiction or power in any case involving or growing out of a labor dispute to issue a restraining order or temporary or permanent injunction

(a) Upon the ground that any of the persons participating or interested in the labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section six of this act or

(b) Forbidding any of the acts enumerated in section six upon the ground that illegal acts have been committed or threatened in the course of any labor dispute or that any ends sought to be accomplished by any party to the labor dispute are illegal

Section 8 No officer or member of any association or organization and no association or organization participating or interested in a labor dispute as herein defined shall be held responsible or liable in any civil action at law or suit in equity or in any criminal prosecution for the unlawful acts of individual officers members or agents except upon proof beyond a reasonable doubt in criminal cases and by the weight of evidence in other cases and without the aid of any presumptions of law or fact both of (a) the doing of such acts by persons who are officers members or agents of any such association or organization and (b) actual participation in or actual authorization of such acts or of ratification of such acts after actual knowledge thereof by such association or organization

Section 9 No court of this Commonwealth shall issue any restraining order or a temporary or permanent injunction in any case involving or growing out of a labor dispute except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath and testimony in opposition thereto if offered and except after findings of fact by the court to the effect

(a) That unlawful acts have been threatened and will be committed unless restrained or have been committed and will be continued unless restrained but no temporary or permanent injunction or temporary restraining order shall be issued on account of any threat or unlawful act excepting against the person or persons association or organization making the threat or committing the unlawful act or actually authorizing or ratifying the same after actual knowledge thereof

(b) That substantial and irreparable injury to complainant's property will follow unless the relief requested is granted

(c) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by granting of relief

(d) That no item of relief granted is relief which is prohibited under section six of this act

(e) That complainant has no adequate remedy at law and

(f) That the public officers charged with the duty to protect complainant's property are unable to furnish adequate protection

Such hearing shall be held only after a verified bill of complaint and a verified bill of particulars specifying in detail the time place and the nature of the acts complained of and the names of the persons alleged to have committed the same or participated therein have been served and after due and personal notice thereof has been given in such manner as the court shall direct to all known persons against whom relief is sought and also to the chief of those public officials of the county and city within which the unlawful acts have been threatened or committed charged with the duty to protect complainant's property The hearing shall consist of the taking of testimony in open court with opportunity for cross-examination and testimony in opposition thereto if offered and no affidavits shall be received in support of any of the allegations of the complaint

Section 10 No temporary restraining order or temporary injunction shall be issued in any case involving or growing out of a labor dispute except on condition that complainant shall first file an undertaking with adequate security in an amount to be fixed by the court sufficient to recompense those enjoined for any loss expense or damage caused by the improvident or erroneous issuance of such order or injunction including all reasonable costs (together with a reasonable attorney's fee) and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court

The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same suit or proceedings against said complainant and surety upon a hearing to assess damages of which hearing complainant and surety shall have reasonable notice the said complainant and surety submitting themselves to the jurisdiction of the court for that purposes But nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity

Section 11 No restraining order or temporary or permanent injunctive relief shall be granted to any complainant in a case involving or growing out of a labor dispute who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration or has violated the public policy as declared in section two

Section 12 No restraining order or temporary or permanent injunction shall be granted in a case involving or growing out of a labor dispute except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such restraining order or injunction and every restraining order or injunction granted in a case involving or growing out of a labor dispute shall include only a prohibition of such specific act or acts as may be expressly complained of in the bill of complaint or petition filed in such case and as shall be expressly included in said findings of fact made and filed by the court as provided herein and shall be binding only upon the parties to the suit their agents servants and employes who shall by personal service or otherwise have secured actual notice of the same

Section 13 No court of this Commonwealth shall have jurisdiction or power in any case involving or growing out of a labor dispute to issue a temporary restraining order or temporary injunction where employes are defendants or the employer either in anticipation of or at or subsequent to the inception of a labor dispute has employed persons or assigned other employes to perform the duties of employes then or subsequently not working because of the labor dispute unless prior to the granting of such restraining order or temporary injunction the said employer has discharged such persons and reassigned the other employes back to their former duties and such facts shall be averred under oath in the application for the temporary restraining order or temporary injunction and no temporary restraining order or temporary injunction shall issue unless it contains the following provision

"This order (or injunction) shall remain in effect only so long as ..... (name of employer) shall not employ persons or transfer employes to perform the duties of those now or hereafter not working because of the labor dispute"

Section 14 Every restraining order temporary or permanent injunction issued by a court of this Commonwealth

in any case involving or growing out of a labor dispute shall contain the following provision

"That complainant and/or the employer and their or either if their agents or employes shall be enjoined from any and all acts or threats of violence intimidation coercion molestation libel or slander against the respondents or organizations engaged in the labor dispute"

Section 15 Whenever any court of this Commonwealth shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute the court shall upon the request of any party to the proceedings and on his filing the usual bond for costs forthwith certify as in ordinary cases the record of the case including a transcript of the evidence taken to the Supreme Court for its review Upon the filing of such record in the Supreme Court the appeal shall be heard and the temporary injunctive order affirmed modified or set aside with the greatest possible expedition giving the proceedings precedence over all other matters except older matters of the same character

Section 16 Every temporary injunction and temporary restraining order issued in a case involving or growing out of a labor dispute shall by its terms expire within such time after entry as the court may fix not to exceed ten (10) days unless the plaintiff is ready by the expiration of such period to proceed to trial and shall pay the necessary calendar and trial fees Every permanent injunction issued in a case involving or growing out of a labor dispute shall expire at the end of one hundred eighty (180) days after the date on which the judgment is signed Provided however That the duration of the injunction may be extended for another one hundred eighty (180) days if after a further hearing initiated and conducted in the same manner as the original hearing the court shall determine that the injunction shall be continued or modified in accordance with the findings of fact on the subsequent hearing

Section 17 Upon denial by the court of any injunctive relief sought in an action involving or growing out of a labor dispute the court shall order the complainant to pay reasonable costs and expenses of defending the suit and a reasonable counsel fee

Section 18 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adapted had such unconstitutional provisions not been included herein

Section 19 The following acts are hereby specifically repealed

The act approved the twenty-third day of June one thousand nine hundred thirty-one (Pamphlet Laws nine hundred twenty-six) entitled "An act defining labor disputes and prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes"

The act approved the twenty-fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws nine hundred ninety-five) entitled "An act declaring certain agreements between employes and employers and others to be contrary to public policy and void"

All other acts and parts of acts inconsistent herewith are also hereby repealed

Section 20 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2187, (Senate Bill No. 678), as follows:

An Act to amend section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that townships of the second class shall have the power to develop their own water supply

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1601 Contracts with Water Companies and Municipalities Development of Own Water Supply The supervisors of any township may by contract with any private corporation or any adjacent municipality owning a waterworks system provide for a supply of water for public and private uses to be delivered into the lines of the township at or near the boundary thereof or to be delivered through lines owned by such company or municipality within such township or any part thereof The supervisors of any township shall have full power by contract to develop an independent supply of water at any time and are not required to purchase such water supply as the township shall need from either a private corporation or an adjacent municipality Provided That no such independent water supply shall be developed if the taxpayers whose property valuation as assessed for taxable purposes within the township shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township shall sign and file in the office of the prothonotary of the Court of Common Pleas of the county in which the township is located a written protest against the developing of such independent supply of water by the township

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. TURNER. Mr. Speaker, at the suggestion of the sponsor of this bill after a conference, I move that it be placed upon the postponed calendar.

The motion was agreed to.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1155, entitled:

An Act to amend paragraph one of clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the

appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further providing with respect to investments of trust funds by fiduciaries.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Northampton, Mr. Van Sickle.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. VAN SICKLE. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Northampton whether this bill does not prevent future mortgage pools?

Mr. VAN SICKLE. That is correct, Mr. Speaker.

Mr. TURNER. And it would also, Mr. Speaker, prevent participation mortgages?

Mr. VAN SICKLE. That is correct, Mr. Speaker.

Mr. TURNER. As distinguished from a pool, is that correct, Mr. Speaker.

Mr. VAN SICKLE. That is as far as trust estates are concerned, Mr. Speaker.

Mr. TURNER. As far as trust estates are concerned. Mr. Speaker, I feel that I ought to call to the attention of the members of the House a rather important question that arises in this bill. I do not know how many members of the House are familiar with mortgage pools and with participation in mortgages, but under this bill as I understand it, and as the gentleman from Northampton has said, it will prevent the future creation of mortgage pools as far as trust estates are concerned, and also participation in mortgages. I think it is very important in the smaller communities and among the smaller trust companies and in dealing with small estates, especially the estates of guardians, that they have the opportunity to invest funds in participation certificates or in a mortgage in which two or three or four or five interests may be pooled together.

Let me explain that by saying this, very often you may have an estate of some three or four thousand dollars where there are four children, all minors, and each child has an interest of seven hundred fifty dollars. It is sometimes extremely difficult to invest that money; sometimes extremely difficult to invest the sum of three thousand dollars to earn interest. I have known many instances where funds of that kind have had to lay for long periods of time without interest where the minor was in need of money or where the estate was in need of the income to carry on, and I am afraid this will close the door.

I know there have been abuses, but I believe if you will take the report of the failures in mortgage pools and participations and compare them with the failures in the bond market, industrial and other securities, you will find that the pool and participation failures are not nearly so great.

I believe in a great degree of security. There have been abuses which I believe very wisely have been corrected since 1931 and 1932. I believe the Banking Department is more aware of those conditions, and I believe the banks themselves are aware of the necessity to clean house, as I understand they are attempting to do under another bill that is before the Legislature. Therefore, I personally am going to vote "no" on this bill merely because I feel that you are going to place a hardship on the small investor with these two features in this bill.

Mr. BLANK. Mr. Speaker and members of the House, in reply to the gentleman from Delaware I feel that it is only fair that the true provisions of this bill be called to the attention of the membership of the House. House Bill No. 1155 is an amendment to the Fiduciary Act, and I am going to ask the members to indulge me for a few minutes in order that I may explain a true picture of what this bill really does, because if the true nature of this bill were known, the membership of this House will realize that this is one of the important bills that has been presented to the Legislature at this session.

In the Fiduciary Act there are certain investments which are enshrouded by the Legislature with a degree of security. Those investments are known as legal investments, and they are permitted as investments of trust companies or fiduciaries of trust money. Now, ladies and gentlemen of the House, we are dealing with investments like trust companies or individual fiduciaries of trust funds. Three investments which have been permitted by the Fiduciary Act were, first real estate bonds, second participation in mortgages, and third mortgage pools.

Now let me for a moment explain to the membership of this House what a participation mortgage is. A participation mortgage is a mortgage divided into fragments or sections of the whole. For example, if a trust company were to place a fifty thousand dollar mortgage it would probably be divided into fifty-one blocks, and each block would be divided and sold to a trust estate. Ladies and gentlemen of this House, we have had chaos in this State under those conditions. We have had conditions time after time where foreclosure of a mortgage is necessary and a particular estate holding say a one thousand dollar interest is asked to put up a share of the foreclosure expense, and that particular estate does not have the funds to put up the share of the foreclosure expense, and as a consequence no action can be taken by all of the holders of that mortgage.

I noticed an article in a newspaper a few weeks ago and I would like to read it for the membership of the House.

"William C. Bullitt, Ambassador to France, was refused a $60,000 surcharge against the Girard Trust Company in Orphans' Court yesterday.

"Judge Lewis H. Van Dusen ruled the company acted properly in investigating the Philadelphia diplomat's funds in a mortgage participation on the Penfield Building, 1328-36 Chestnut St.

Bullitt set up the trust fund for his divorced wife, the late Anne Moen Louise Bryan Reed Bullitt, who died in Paris January 6, 1936. Under the separation agreement,

Francis Biddle, Philadelphia attorney, was to approve investments made by the trust company.

"The mortgage is now frozen and Bullitt refused to accept the $60,000 participating certificate, demanding the trustee pay him in cash."

In other words, what was admitted by this trust company,—and it was perfectly legal at the time, and I want the House to remember that a large mortgage was placed on an office building, of possibly two or three million dollars, and a sixty-thousand dollar block was sold to this particular estate. The mortgage went into default. What is the holder of that interest in that sixty thousand dollar mortgage going to do? There is nothing that he can do. One of the judges in Philadelphia was telling me a few weeks ago of a case of which he was appointed the guardian of a minor's estate a number of years ago of twelve thousand dollars. Not wishing to act as guardian he resigned and a trust company was appointed to invest and take care of that fund. Nine thousand dollars of it was invested in a mortgage on a property in Philadelphia and the other three thousand dollars was similarly invested in participation in another mortgage. The building went into default, and when the boy came of age the participation certificate was handed to him. What is he going to do with the participation certificate?

These bills are intended to make for certainty of principal and of the interest, which is important. The same situation occurs in a mortgage pool. In a mortgage pool the fiduciary takes up a lot of mortgages and divides them among certain estates, and if there is a default, all the beneficiary gets is a slip of paper showing his interest in that particular mortgage pool. I refer to a situation that arose with the Pennsylvania Company for Guaranteeing Mortgages at Philadelphia, and at a public hearing on this bill the representative of the Pennsylvania Banking Association admitted that real estate bonds were not proper for investment funds.

Now, let me call to the attention of the House what the gentleman from Delaware did not call to your attention, that is that under this act these investments are prohibited only as legal investments. There is nothing in this act that will prevent a bank from investing in this particular type of mortgage pools and participations as investments if they have the right under the terms of the trust or under the will of the testator to invest in that type of investments. And if the trust or the will itself is not restricted as to legal investment they have a perfect right to invest in the three types of investment named, but where the will itself prohibits or restricts the investment to legal inevstments, it is the opinion of the Banking Committee, and I trust it will be the opinion of this House that these investments be not permitted by this House. I ask the members of this House to vote "aye" on this bill.

Mr. TURNER. Mr. Speaker, if I were to answer the gentleman from Philadelphia in terms of some whom I have encountered heretofore on some of the measures on the floor of the House, I would be inclined to say that I was amazed at the gentleman protecting the great interests of the people with as much as sixty thousand dollars. What I am interested in is the small investor.

What the gentleman from Philadelphia says about conditions in Philadelphia, every one of those things can be corrected by legislation. He is not seeking to correct it by setting up rules or regulations for protection by saying that certain percentages of an estate only can be invested, but he is wiping out the opportunity entirely. I said in the beginning, I think, that I realize there has been abuse, but in my own community I know of no conditions such as they say exist in Philadelphia. The gentleman from Philadelphia asks what do they get except a piece of paper indicating participation? Supposing they own the whole mortgage; suppose they invest in a five thousand dollar mortgage and there is a default on that mortgage. What do they have? There they have a piece of paper which is the whole mortgage, and they can foreclose and purchase the property. Suppose an estate does not have the money to foreclose, the same condition exists there as exists in the case of a mortgage pool. I do not think that the arguments of the gentleman from Philadelphia are sound or valid arguments in support of this measure. Might I say to you that these amendments were put into this bill, as I understand it,—this was an Administration bill originally, and these amendments were placed in the bill in the House Committee and did not come from the Department.

Therefore, gentleman I say do not penalize the small investor in the country district, do not penalize the small estate and the small trust fund with nonparticipation, as I know from long experience that many estates have two hundred, three hundred, four hundred or five hundred dollars, and time after time, if they did not have participation or if the trust officer cannot place those funds in mortgage pools, very often they find great difficulty in placing funds where they will bring interest.

Mr. BLANK. Mr. Speaker, I should like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. BLANK. I should like, Mr. Speaker, to ask the gentleman from Delaware whether he believes that legal investments for trust funds should be more interested in security of principal than in the rate of income?

Mr. TURNER. Mr. Speaker, I would say that that is a question that could be answered both ways. Of course I believe in security of investment. I think that is the first thing you always look for in trust funds, but the question of the yield very often is a very important question, depending largely upon the estate. If you have an estate of a million dollars you can invest one hundred thousand of that in things that you cannot invest ten thousand dollars in from an estate of fifteen thousand dollars.

Mr. BLANK. Mr. Speaker, I should like to ask the gentleman from Delaware whether he doesn't believe that it is his duty as a member of this Legislature to insure the security of the principal of legal investments for trust funds.

Mr. TURNER. I do, Mr. Speaker.

Mr. BLANK. Then, Mr. Speaker, I shall further ask the gentleman from Delaware whether or not the small estate can be invested under this act in baby bonds of the United States Government.

Mr. TURNER. Mr. Speaker, it can be invested,—no, I wouldn't say in baby bonds. The baby bonds raise an entirely different question. They might be invested in bonds of the United States Government.

Mr. BLANK. Mr. Speaker, did not the gentleman

from Delaware refer to the inability of investing small estates?

Mr. TURNER. I did, Mr. Speaker.

Mr. BLANK. Mr. Speaker, cannot the small estate as low as one hundred dollars be invested in Government baby bonds?

Mr. TURNER. Mr. Speaker, I say to you that very often the question arises in baby bonds of getting the money back.

Mr. BLANK. Mr. Speaker, is the gentleman from Delaware inferring that the baby bonds of the United States Government are less liquid than participation mortgages?

Mr. TURNER. I wouldn't say less liquid, Mr. Speaker, but baby bonds are not always liquid.

Mr. BLANK. Mr. Speaker, are not the baby bonds of the United States Government readily transferrable at any time of the day during regular brokerage hours?

Mr. TURNER. I do not understand it so, Mr. Speaker. I might ask the gentleman if he will permit me for a moment to clarify this matter. He realizes that very often in an investment in Government bonds, for instance, you might get a market where you are paying a premium. The guardian or the trustee would be in a rather difficult position in investing a small amount of money with the premium, particularly if he only had a short time from the time he had to buy those bonds until the time that he might have to liquidate them. On the other hand at the present time I don't know whether I would want to invest a lot of trust funds of a minor who might become of age within a very short space of time or of some widow who is depending upon the money in Government bonds. In the first place there is a very great danger that Government bonds may sag, although—

POINT OF ORDER

Mr. BLANK. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BLANK. Mr. Speaker, is the gentleman from Philadelphia making a speech or answering an interrogation?

The SPEAKER. The Chair cannot answer the question, Does the gentleman wish to interrogate the gentleman from Delaware to determine whether he is making a speech or answering a question?

Mr. BLANK. Will the gentleman from Delaware, Mr. Speaker, inform the members of the House whether he is replying to the question I am asking or whether he is debating the question at issue.

Mr. TURNER. Mr. Speaker, I think I said that if the gentleman from Philadelphia had appealed to me instead of to the Chair we could probably have straightened it out. I felt that by taking a little time to explain that I could clarify it, but if the gentleman desires to ask questions I should be glad to answer them.

Mr. BLANK. Mr. Speaker, I would like to ask the gentleman from Delaware whether he would insist on the statement that United States baby bonds are not readily liquid.

Mr. TURNER. Yes, Mr. Speaker, I say that, they are not readily liquid.

Mr. BLANK. Mr. Speaker, may I ask the gentleman from Delaware whether he would prefer to have his own funds invested in participation mortgages or mortgage pools or whether he would prefer to have those funds invested in bonds of the United States Government.

Mr. TURNER. Mr. Speaker, the gentleman is asking me a hypothetical question. I haven't any funds to invest.

Mr. BLANK. Mr. Speaker, may I ask the gentleman from Delaware which he would prefer to invest it in if he were appointed the guardian of a minor's estate.

Mr. TURNER. Mr. Speaker, I can answer that by saying this,—first let me say that I cannot answer the other, and the gentleman knows that I cannot, and he asked it for that purpose. I would have to answer it in the same way, first that it would depend upon the size of the estate, and second it would depend on the security that I felt was behind the security or behind the mortgage. You cannot draw hard and fast rules on this if you know about the investment of these funds,— and I think the gentleman does. You cannot draw a hard and fast rule.

Mr. BLANK. Mr. Speaker, my friend from Delaware failed to call to the attention of the members of the House something that is very important in this bill. It is not the intention of the Banking Committee in any manner whatsoever to harm trust companies, fiduciaries or the beneficiaries of any trust estate. The purpose in this bill, ladies and gentlemen of the House, is very simple. It is the feeling of the Banking Committee, and I might say, of a representative proportion of the bankers that we have contacted that these types of investment are perfectly proper, but not sufficiently secure in principal for the investment of trust funds as legal investments. In other words, if I go into a bank or trust company and I say to the trust officer, "I want you to be the fiduciary officer of my estate," I want the officer of that institution to say to that individual "Do you want us to restrict it to legal investments or do you want us to have discretion in making the investments?" Then if the man says to a bank "I want you to restrict it to legal investments" then it is the feeling of the Banking Committee that those investments should be of the type that have the greatest security for the principal and the best investment of a type that will afford the greatest protection that we can get for the people of Pennsylvania. And we further feel that if I say to the officer of the bank or trust company, "I want you to use your discretion in the investments" then it could be invested in any form of investment that they want, and that would be perfectly proper, but where the individual handling the estate is limited to legal investments, then we feel that those legal investments should be enshrouded with all the safeguards that this Legislature can put on, and these three types of investment have proven by experience not to be of the same general type of security, not as safe in any degree whatsoever as the other investments which are permitted by this act.

Ladies and gentlemen of the House, I believe that this bill is one of the most constructive measures that has come before the Legislature for some time, and I think we will have accomplished a great deal for the small unprotected people of the Commonwealth if this bill receives the support of the House.

Mr. WOODSIDE. Mr. Speaker and members of the House, I don't know much about these sixty thousand dollars or hundred thousand dollars or million dollar estates that are talked about. We do not have any estates of that size where I come from, but I do know a good bit about a small estate of two or three or four thousand dollars or a thousand dollars or something in that neighborhood,

and I know a great deal about the number of estates that we have in which guardians are interested, in which the amounts are less than one thousand dollars. The practice generally in our section is to have a mortgage pool, and if you have an estate of two hundred forty dollars or one hundred ninety dollars, practically all of that sum is put into the mortgage pool and earns six percent interest for that minor. The minor cannot agree with the bank as to what investments shall be made, and therefore no authority can be given, as has been said by the gentleman from Philadelphia, to the bank to invest in anything except the legal securities which he desires, which means to invest in municipal and Federal bonds. It would therefore be necessary for the bank that has a few dollars of some minor to buy a government bond of some kind. Now, we all know that government bonds vary in price very substantially. We all know that their interest rate is very low; we all know that to attempt to invest one hundred or two hundred dollars for two or three years in government bonds might result in that bank having to pay a premium in the first place and having to sell them out a few dollars below par, and the result would be that you do not have a cent of interest earned during that period.

I feel that for the interest of the small estate it is absolutely necessary, particularly in the rural communities, to continue this mortgage pool investments for trust funds and keep them legal. Government bonds have been as low as eighty dollars; you can lose money on government bonds as well as you can on mortgages.

We all know that municipal bonds and county bonds throughout this State have defaulted,—throughout this country at least they have defaulted, and that you can lose money on those. The mortgage pool if it is handled properly, is just as safe as any other investment, and I do not think that it is necessary in order to protect the principal sum of these estates to rule out mortgages. If they are administered properly, as they have been in most rural communities, the losses will not be great, or there will not be any losses to the fiduciaries or to the beneficiaries of those trust funds. I think that this House of Representatives should vote down this bill in order that the small estates may receive the benefits to which they are now entitled under the law.

Mr. WALSH. Mr. Speaker and members of the House, in regard to the statement by my esteemed colleague from Philadelphia, Mr. Blank, I think it is only just that I should state to the members of this House that the Girard Trust Company which holds close to a billion dollars in individual trusts, do not invest their funds haphazard. All the investments are made, not by a trust officer but by an investment committee headed by the director. But I am going to vote for this bill because of its other features. I do feel that a responsible trust company should have discretionary powers in this respect.

Mr. BLANK. Mr. Speaker and ladies and gentleman of the House, there has been a good deal of discussion about this bill and I still do not feel that the crux of the situation has been made clear to the membership of the House. My good friends on the Republican side indicate that the small estate will not be able to have its funds invested at a proper return. This bill does not do that at all; this bill very clearly and very definitely states that this type of investment is not permitted for a trust estate where the trust estate is limited to legal investments. There is nothing in this bill which prohibits a trust company or any individual fiduciary from investing trust funds in these three types of investment where the trust indenture itself or the will does not restrict the estate to legal investments. As long as they are permitted to invest in any type of investment by such authorization this bill does not prohibit that. For the information of my good friends on the other side of the House and my colleague from Philadelphia, Mr. Walsh, I would like to tell you one thing, one of the most learned judges of the Orphans' Court of Philadelphia, Judge Lamorelle, who died last year, in every case where he appointed a trustee or fiduciary for a minor, in every single instance he insisted that none of these three types of investments should be permitted in that estate. He had no legal grounds for that, but he did it because in his wisdom he knew that that type of investment was not proper for the safety of principal that we are speaking about. We ask your support for House Bill 1155 because it protects the small estate where there is now no protection. We believe that the small estate is entitled to security of principal and not when the estate has a one thousand dollar investment in a twenty-five thousand dollar mortgage in default and for many years not be able to receive any income and not be able to receive any principal.

Mr. LEVY. Mr. Speaker and members of the House, as a member of the sub-committee on this bill I think it is only fair that I should attempt to correct the impression that probably was drawn from the argument made by the gentleman on the other side of the House. This bill, No. 1155, supporting the argument of the gentleman from Philadelphia, Mr. Blank, does not in any way prohibit a trust company or guardian from investing in this type of investment. The only thing it does, and the time has come for the Legislature of this Commonwealth to act upon it, is to set up a safeguard so that when the person having in mind a trust fund comes into the institution, they will then tell him and define for him the difference between a legal investment and a non-legal investment, and that is the only provision in this bill as amended.

Mr. TURNER. Mr. Speaker, I should like to interrogate the gentleman from Philadelphia, Mr. Levy.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LEVY. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, do I understand the gentleman to say that under the provisions of this bill the guardian of the estate would have the right to invest in mortgage pools or participation?

Mr. LEVY. Yes, Mr. Speaker, but not as a legal investment.

Mr. TURNER. What else can he invest in, Mr. Speaker? Let me ask it this way, do I understand the gentleman to mean this, that this bill in its provisions is limited only to the case where the testator says that the funds shall be invested in legal investments.

Mr. LEVY. Yes, Mr. Speaker.

Mr. TURNER. Now, Mr. Speaker, I think that the gentleman evidently does not have the bill right if he says that. If you say that these shall not be legal for investment of trust funds in Pennsylvania, then that must

take in not only the case where the testator says under his will or any other instrument creating the trust, that the trustees shall only invest in legal investments, but it must take in the case where the testator does not say in what the trust funds shall be invested, and it must take in guardians appointed by the court or guardians appointed in any other way where there is no limitation, so that the argument of both Mr. Blank and Mr. Levy that it does not prevent this, could only apply to the case where the testator under his will or where the party creating the trust, in the deed of trust would say,— which is very often said,—that the trustee shall not be bound by legal investments in Pennsylvania. But insofar as the guardianship is concerned I do not ever remember a case where there was a guardian where it was not said that the guardian did not have to invest in investments legal for trust funds in Pennsylvania, and I would say that for a mortgage or trust that was set up in small estates there is nothing said by the testator at all as to investment. It is only generally in very large estates where a testator says that the trustee need not be bound by legal investments in Pennsylvania, so that the argument of the gentleman must fail and his argument therefor is not correct.

Mr. VAN SICKLE. Mr. Speaker and members of the House, as every one else has spoken on the bill perhaps it is proper at this time that the sponsor should say a few words. This bill relates to legal investments or fiduciaries. The act as drawn applies to to different types of investments. As to the major investments there is absolutely no argument. The only argument is this, that the bill as originally presented permitted fiduciaries to investment in mortgage pools or mortgage participation certificates. This bill was then amended in the Banking Committee so that the mortgage pool and the mortgage participation certificate were cut out of the bill. The bill therefore at the present time contains parts upon which there is absolutely no dispute, but does not, however, contain mortgage participation features or mortgage pool features. If you believe that the bill due to its other features should pass, your vote should be in the affirmative. If you believe that the bill should not pass because it does not contain the mortgage participation and the mortgage pool features, your vote should be in the negative.

BILL POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. BLANK. Mr. Speaker, I would like to ask the membership to vote "aye" on the motion of the gentleman from Delaware.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1305, entitled:

An Act to amend sections twenty-nine and thirty-one of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effort of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim and providing for the management and disposition of said property after said sale

On the question,

Will the House agree to the bill on third reading?

Mr. BROWN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by striking out the words "sections twenty-nine and thirty-one" and inserting in lieu thereof "section twenty-nine"

Amend sec. 1, page 2, line 4, by striking out the words "sections twenty-nine and thirty-one" and inserting in lieu thereof "section twenty-nine"

Amend sec. 1, page 3, line 3, by striking out the word "are" and inserting in lieu thereof "is"

Amend sec. 1 (sec. 29), page 3, line 21, by inserting after the word "claims" the following: "and liens not otherwise discharged by the sale under existing law"

Amend sec. 1 (sec. 31), page 4, by striking out all of lines 3 to 29 inclusive

Amend sec. 1 (sec. 31), page 5, by striking out all of lines 1 to 29 inclusive

Amend sec. 1 (sec. 31), page 6, by striking out all of lines 1 to 28 inclusive

Amend sec. 1 (sec. 31), page 7, by striking out all of lines 1 to 26 inclusive

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1770, (Senate Bill No. 153), as follows:

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of providing violations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of March one thousand nine

hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whoever in a newspaper periodical circular form letter or other publication published distributed or circulated in this Commonwealth in any advertisement in this Commonwealth or by any display or placard advertising in this Commonwealth knowingly makes or disseminates or causes to be made or disseminated any statement or assertion concerning the quantity the quality the value the merit the use the present or former price the cost the reason for the price or the motive or purpose of a sale of any merchandise securities or services or concerning the method of cost of production or manufacture of such merchandise or the possession of rewards prizes or distinctions conferred on account of such merchandise or the manner or source of purchase of such merchandise or securities which is untrue or calculated to mislead shall for the first and second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than two hundred dollars ($200.00) and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not more than thirty days and for a third or subsequent offense shall be guilty of a misdemeanor and upon conviction be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the county jail not exceeding sixty days or both such fine and imprisonment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. OMINSKY. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2102, as follows:

An Act to add section 491.1 to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the sixth seventh and eighth classes to pay bounties for the destruction of rattlesnakes copperhead snakes and porcupines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto a new section to read as follows

Section 491.1 Bounties for Destruction of Rattlesnakes Copperhead snakes and Porcupines The board of commissioners of any county of the sixth seventh or eighth class may provide for the payment of rewards or bounties for the killing within the county only of rattlesnakes and copperhead snakes not more than one dollar for each and for the killing of porcupines not more than fifty cents and may make appropriations for such purposes

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker, just in order to explain this bill, I want to call to the attention of the members of the House that this bill merely concerns the county commissioners of the sixth, seventh and eighth classes and gives to them the privilege of establishing these bounties if they care to. It does not say that they have to do so nor that they need to do so for any length of time. They can call a meeting any Monday night that they want to and call it it off if they do not feel that they should continue it. I would call the attention of the rural members to the fact that nowadays when people go out driving they come up into these rural centers, and a lot of these people don't know anything about these dangerous snakes and that sort of thing and they bring dogs with them that are not acquainted with the porcupines and a lot of animals are killed through their ignorance. We would like to have this legislation for these counties so that we can at our own expense exterminate these pests. It is not entirely a rural question. I would like to have the members vote "aye" on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Atkins,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell	Smith, James A.,
Baine	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,

Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Order, That the Clerk present the same to the Senate for concurrence.

REQUEST FOR PERMISSION TO HOLD COMMITTEE MEETING

Mr. MOOMAW. Mr. Speaker, I ask permission of the House to hold a very brief meeting of the Committee on Judiciary Special in the Conference Room at the rear of the House.

The SPEAKER. Will the House give permission for the holding of the committee meeting? Is there objection?

Mr. HERBERT B. COHEN. Mr. Speaker, reserving my right to object I desire to interrogate the gentleman from Franklin.

The SPEAKER. Will the gentleman from Franklin, Mr. Moomaw, permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Franklin, how many bills will be under consideration by the committee?

Mr. MOOMAW. One, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Franklin, how long the meeting will take?

Mr. MOOMAW. Probably not more than two or three minutes; five at the very most.

Mr. HERBERT B. COHEN. Temporarily, I shall object to granting permission until I have an opportunity of consulting the gentleman from Franklin.

On the question,

Will the House give permission to the committee to meet during the session?

Permission was not granted.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1000, as follows:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto

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Article X Unnaturalized Foreign-born Residents	1001-1005
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Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the laws relating to game and other wild birds and wild animals are amended revised consolidated and changed as hereinafter provided

ARTICLE I

Preliminary Provisions

Section 101 Definitions Whenever used in this act unless a contrary intention is evident from the context the word "person" shall include individuals corpartnerships associations and corporations the singular shal include the plural and the masculine and femine and neuter.

The word "commission" shall mean the Pennsylvania Game Commission

The word "director" shall mean the Executive Director of the Pennsylvania Game Commission

The term "game birds" shall include (a) the anatidae commonly known as geese brandt and river and sea ducks (b) the rallidae commonly known as rails coots mudhens and gallinules (c) the limicolae commonly known as shore birds plover surf birds snipe woodcock sandpipers yellowlegs tattlers and curlew (d) the gallinae commonly known as wild turkeys grouse pheasants partridges and quail (e) the birds belonging to the order columbae commonly known as doves and (f) the grackles commonly known as blackbirds

The term "game animals" shall include (a) The wapiti or elk (b) the deer (c) the bear (d) the wild rabbit and hare (e) the red gray black and fox squirrel (f) and the racoon

The term "big game" shall include (a) the elk (b) the deer and (c) the bear

The term "small game" shall include all species of game birds and game animals not classed as big game

The word "game" shall include "game animals" and "game birds"

Except as modified by the resolution of the commission the term "fur-bearing animals" shall include (a) the mink (b) the muskrat (c) the opossum (d) the otter and (e) the beaver

The word "predators" shall include all wild animals not classed as game animals or fur-bearing animals and all wild birds other than game birds and protected birds

Except as modified by the resolution of the commission the term "unprotected birds" shall include (a) the blue jay (b) the English sparrow (c) the European starling (d) the kingfisher (e) the goshawk (f) the sharp-shinned hawk (g) the Cooper's hawk (h) the great horned owl (i) the snowy owl and (j) the crow

The term "protected birds" shall include all wild birds not included within the terms "game birds" and "unprotected birds"

The term "wild birds" includes all birds other than domestic birds

The word "wild-life" shall mean and include wild birds and wild animals regardless of classification whether protected or unprotected in a wild state in this Commonwealth

The commission may by resolution from time to time after investigation or information otherwise obtained add any bird to the list of unprotected birds in any part of the Commonwealth or may upon petition from any county add any animal to the list of fur-bearing animals in said county for such period as the commission deems best by giving notice of such action in the manner hereinafter specified When any animal is added to the list of fur-bearing animals in the manner herein authorized it shall

be unlawful to take possess or dispose of such animals in the county or counties designated except in accordance with the provisions of this act relative to fur-bearing animals

The term "open season" shall mean the time during which game or fur-bearing animals may be legally taken or killed and shall include both the first and the last day of the season or period designated by this act or by the commission

The term "close season" shall mean the time during which game or fur-bearing animals may not be legally taken or killed and includes all periods of time not included within the open season

The word "lands" as used in this act shall include land waters timber minerals oil gas and all other appurtenances ordinarily connected therewith

The word "lease" shall mean an agreement or contract by which the right to use real estate is granted or conveyed to or from the commission or the act of such conveyance

The term "hunting rights" shall mean the right to control the hunting taking killing wounding removal of game birds game animals fur-bearing animals and any other wild birds and wild animals on and within a specified area of land

The ownership jurisdiction over and control of wild animals and wild birds as herein defined are hereby declared to be in the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with the provisions of this act

Section 102 Short Title This act shall be known and may be cited as "The Game Law"

Section 103 Effect of Act on Existing Laws The provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such law and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall such repeal affect any regulation thereunder or any act done or liability incurred or any right accrued or vested or affect abate or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

Section 104 Constitutionality The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included herein

ARTICLE II

Pennsylvania Game Commission

Section 201 Appointment of Pennsylvania Game Commission An independent administrative commission to be known as the Pennsylvana Game Commission is hereby created The commission shall consist of eight competent citizens of this State who shall be appointed by the Govnor by and with the advice and consent of two-thirds of all the members of the Senate The members of the commission shall be so appointed that they shall fairly represent the several geographical sections of the State and shall be well informed on the subject of wild-life conservation and restoration

The members of the commission shall hold office for terms of eight years each and shall receive no compensation for their services

Five members of the commission shall constitute a quorum for the transaction of business

Except as otherwise provided by this act the Pennsylvania Game Commission shall have and possess all the powers generally conferred perform all the duties generally imposed upon independent administrative boards and commissions by the Administrative Code of 1929 and its amendments

Section 202 Present Commission Continued The members of the Board of Game Commissioners in office at the date when this act becomes effectve shall constitute the Pennsylvania Game Commission created by this act and shall hold their offices as members of the Pennsylvania Game Commission until their successors are appointed as hereinafter provided

Within sixty days after the date of the approval of this act Governor shall designate two commissioners to serve for a term expiring the third Tuesday of January one thousand nine hundred and thirty-nine two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-one two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-three and two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-five Thereafter such appointments of commissioners shall be for terms of eight years

Section 203 Vacancies by Death Resignation or Removal Upon the death resignation or removal from office of any person so appointed as aforesaid the Governor shall appoint a competent person to serve for the unexpired term

Section 204 Meetings of Commission Election of Officers The commission shall have an office at the capitol and shall hold meetings at such office in January and July and at such other times and places within the State as the commission shall appoint for the transaction of business At the meeting held in January of each year the commission shall elect one of its members as President and one of its members as Vice-President Such officers shall hold office for a period of one year

Section 205 Executive Director Duties and Powers The commission shall select a competent person to be known as the Executive Director who shall be its chief administrative officer and have charge of all activities under the jurisdiction of the commission He shall remain such during the pleasure of the commission and shall take the oath of office prescribed by the Constitution and file the same with the Secretary of the Commonwealth

No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for selection as Executive Director

The Executive Director shall be the Chief Game Protector and shall have charge of direct supervise and control all other game protectors and employes of the commission The compensation of the director shall be fixed by the commission The director shall give bond to the Commonwealth in the sum of forty thousand dollars conditioned for the faithful performance of the duties of his office

The director shall occupy as his permanent headquarters the rooms assigned to the commission and shall be supplied from time to time by the Department of Property and Supplies such furniture equipment and office supplies as may be necessary for the use of the commission

The director shall have authority to have printed the biennial report of the commission and such bulletins literature posters and other printing as may be necessary to the work of the commission including the magazine known as Pennsylvania Game News the subscription rates of which shall be fixed by the commission from time to time Said magazine is hereby declared to be the official publication for publishing the rules and regulations of the commission either in full or in condensed form Such publication shall at all times be maintained as a non-partisan publication and may be published with or without paid advertising space as the commission deems advisable

Section 206 Game Protectors and Employes The commission shall appoint such number of competent men as in its opinion may be needed to discharge properly the duties devolving upon said commission whose powers and duties are herenafter defined and who shall be known as game protectors Such number shall include men appointed game protectors and detailed to such administrative or office duty as in the opinion of the commission may be advisable The commission shall also appoint such employes and stenographers as may be deemed necessary

The compensation and duties of such game protectors employes and stenographers shall be fixed by the commission All game protectors and such other employes as the commission may designate shall give a bond in the amount of one thousand dollars unless a larger amount is required by the commission

Game Protectors and all other employes shall be removable at the discretion of the commission or may be suspended without compensation by the director pending action of the commission provided however that prior to such removal all game protectors and other regular employes shall be given a fair and impartial hearing before the commission's established Trial Board unless the employe waives such hearing The Trial Board's findings and recommendations shall be given due consideration by the commission

Section 207 Political Activity Prohibited While retaining the right to vote as he may choose and to express privately his opinion on all political subjects no salaried employe of the commission shall take any active part in political management or in political campaigns nor shall he use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing the political action of any person or body nor solicit remand or receive contributions or assessments to be used for political purposes Violation of this provision shall subject such employe to immediate dismissal

Section 208 Deputy Game Protectors The commission may appoint competent men throughout the Commonwealth to be known as deputy game protectors in such numbers as the commission may deem necessary who shall possess the rights and powers given by law to game protectors and be subject to all requirements and regulations either of the law or of rules of the commission controlling the action of such game protectors

Such deputy game protectors shall not be entitled to recompense for either time or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the Executive Director in which the rate of compensation and allowance for expenses shall be stipulated The commission shall from time to time fix the rate of compensation for such services

Any deputy game protector while not specifically employed in writing for special duties as above stipulated shall be entitled to collect such fees as are now or may hereafter be paid to constables to be assessed and collected as costs of prosecution for services legally rendered in the performance of any duties in the enforcement of the several provisions of this act

All deputy game protectors shall give a bond in the amount of three hundred dollars

Section 209 Present Game Protectors And Other Employes Continued All game protectors and deputy game protectors and other employes holding office at the date of the approval of this act shall remain in office until removed by the commission and the commissions of said officers shall continue in force under the provisions of this act with the same effect as prior to the passage of this act

Section 210 Duties of Commission It is the duty of said commission to protect propagate manage and preserve the game fur-bearing animals and protected birds of the State and to enforce by proper action and proceedings the laws of this Commonwealth relating thereto The commission shall collect classify and preserve all such statistics data and information as in its judgment will tend to promote the objects of this act to take charge of and keep all reports books papers and documents which shall in the discharge of its duties hereunder come into its possession or under its control

Section 211 Biennial Report It is the duty of said commission on or before the first day of October of each even-numbered year to prepare and present to the Governor of this Commonwealth a biennial report showing what has been done by it during the two fiscal years immediately preceding the amount of money received by it and from what sources and the amount expended by it and for what purposes with such recommendations for legislative action as the commission may deem wise

Section 212 Director to Make Return to State Treasurer Through Department of Revenue The director to the commission or his agent shall pay over all moneys received and collected under the provisions of this act to the State Treasurer through the Department of Revenue for deposit into the game fund

Section 213 Reports by Protectors Each game protector shall keep a record of his official acts receipts and expenditures and at the close of each month make summary of such record which such statements in detail as shall be necessary and report the same to the director At such intervals as the director may direct not to exceed a period of six month each game protector shall file an affidavit covering the correctness of all accounts and reports rendered during the intervening period The director shall report to the commission any negligence or dereliction of duty or incompetency on the part of any protector with the facts relating thereto and shall make such further reports as may be required by the commission

Section 214 Powers of Members of Commission Director and Game Protectors Each member of the commission the director and each of its lawfully qualified representatives shall have the power

(a) To enforce all laws relating to game and other wild birds and wild animals and to go upon any property outside of buildings posted or otherwise in the performance of his duty

(b) To execute all warrants and search warrants for the violation of the laws relating to game and other wild birds and animals

(c) To serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to game and other wild birds and animals or other requirements of this act

(d) To carry firearms or other weapons concealed or otherwise in the performance of his duties

(e) To purchase and re-sell game fur-bearing animals and protected birds or any part thereof for the purpose of securing evidence

(f) To arrest without warrant any person found in the act of violating any of the provisions of this act or in pursuit immediately following such violation

(g) To call upon any citizen of this Commonwealth for assistance in making arrests

(h) To stop and inspect or search at any time without warrant any vehicle or conveyance and its occupants or contents any time or place within this Commonwealth provided however such officer shall be in uniform and display his badge or other insignia of identification and shall state to the person in charge of said vehicle or conveyance the purpose of the inspection or search

(i) To inspect or search at any time without warrant and examine any clothing worn by any person or any boat conveyance or vehicle of any type or kind whether attached or detached to another conveyance or vehicle or any game bag game coat or other receptacle for game when such officer has made known his official identity and the cause for such inspection or search

(j) To inspect or search at any time without warrant any hunting party roster or any camp tent cabin or detached automobile trailer or truck being used in whole or in part as a permanent or temporary abode for the purpose of hunting or trapping or a dwelling house tavern boarding house or hotel or the dwelling house or outbuildings of a caretaker of a camp or boarding house being used in whole on in part either temporarily or permanently for the purpose of hunting or trapping or harboring hunters or trappers when such officer has made known his official identity and the cause for such inspection or search to the person or persons in charge of such property

(k) To secure and execute search warrants and in pur-

suance thereof to enter any building dwelling house tavern hotel boarding house enclosure or car and to break open any apartment chest locker box trunk crate basket bag package or container and to examine the contents thereof

(l) When making an arrest or an investigation to seize and take possession of all birds or animals which have been caught taken or killed or had in possession or control or which have been shipped or about to be shipped at any time in any manner or for any purpose contrary to the laws of this Commonwealth

(m) When making an arrest or an investigation or when found in the execution of a search warrant to seize all guns shooting or hunting paraphernalia traps dogs boats decoys automotive equipment or any unlawful device implement or other appliance used in violation of any of the laws relating to wild birds or wild animals the use of whch expressly is forbidden by this act

(n) To administer any oath required by the provisions of this act or relative to any violation of any law relating to game or other wild birds or wild animals and where game is found in a camp or in possession or under control of any individual or hunting party to question such person or persons under oath relative to the taking ownership or possession of the same

Section 215 Act Not to Apply in Certain Cases None of the provisions or requirements of this act shall be construed to apply to any member of the commission or any of its lawfully qualified representatives or duly authorized agents when acting in any manner for the Commonwealth or to prevent such persons from capturing or destroying birds or animals of any kind when acting for the Commonwealth

ARTICLE III

Hunting Licenses

Section 301 Residents of State For the purpose of this article any person who has been a bona fide resident of this Commonwealth for a period of sixty days next preceding his application and was born in the United States of America or was fully naturalized under the laws of the United States or who is a citizen of the United States of America and regularly enrolled in the United States Army the United States Navy or the United States Marine Corps and officially stationed within the Commonwealth thirty or more days next preceding his application shall be entitled to the license herein referred to as the Resident Hunter's License upon the further fulfilment of the requirements of this article

Section 302 Resident License Fee Each such resident as provided in the preceding section upon application made in writing to any agent authorized to issue such licenses within the Commonwealth the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this article and the establishment of his identy to the satisfaction of the justice of the peace magistrate or notary public or any agent designated to receive applications for licenses when taking such applications as hereinafter authorized by producing a bank book letters lodge cards police cards a motor vehicle driver's license or some other positive means of identification and in the case of naturalized foreign-born applicants the production of such applicant's naturalization papers unless any such person has been disqualified for a license in the manner hereinafter specified and the payment to said agent or the Department of Revenue of two dollars ($2.00) shall be entitled to a Resident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Section 303 Non-resident and Alien Non-resident License Fees Every non-resident of this Commonwealth upon application made in writing to any agent authorized to issue such licenses or to the Department of Revenue and the presentation of proof that he is a citizen of the United States unless any such person has been disqualified for a license in the manner hereinafter specified and upon payment to said agent or commission of fifteen dollars ($15.00) shall be entitled to the license herein designated as a Non-resident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Every alien non-resident of this Commonwealth who is also non-resident of the United States upon written application made to the Department of Revenue setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms unless any such person has been disqualified for a license in the manner hereinafter specified and upon the payment to the Department of Revenue of the fees above designated for non-residents shall be entitled to a non-resident hunters' license and the proper tag issued therewith but the Department of Revenue shall indicate on the face of the license that the holder is an alien non-resident

Section 304 Complimentary Non-Resident Licenses The commission is hereby authorized to issue annually not to exceed twenty-five complimentary hunting licenses with either a tag or a button bearing the same number as the license to any of the following persons (a) The Chief Executive of the United States (b) the governor of any state (c) to authorized representatives of the conservation department of other states (d) to federal officials engaged in conservation work (e) to authorized officials of national conservation organizations and (f) to conservation officials of any foreign country or major subdivision thereof

Such licenses shall be issued without fee and shall be in such form as the commission may determine

Section 305 License Issuance Supervision The issuance of all hunting licenses shall be under the direct supervision of the Department of Revenue which shall designate the several county treasurers and such other issuing agents throughout the Commonwealth or otherwise as it may find essential to control the lawful issuance thereof

The Department of Revenue may recall the appointment of any county treasurer or other agent at any time with or without cause and shall recall the appointment of any county treasurer or other agent either upon receipt of evidence that such county treasurer or other agent has not complied with the requirements of this act or upon receipt of a recommendation from the commission that such county treasurer or other agent be recalled because of carelessness or negligence in the issuance of licenses

It is unlawful for any issuing agent or any of his employes or representatives or the Department of Revenue or its employes to issue any license to hunt to any applicant or for any justice of the peace magistrate notary public or other agent authorized to receive applications to accept an application for such a license from any applicant who has not established satisfactory indentification as hereinbefore required or to any person physically or mentally unfitted to carry or use firearms or who has been denied the right to secure a license in any manner hereinafter specified by revocation

Section 306 The License Certificate Said licenses shall be issued on a form prepared and supplied by the Department of Revenue Such licenses shall bear a description of the person applying for the same setting forth the occupation the color of hair and eyes any marks or scars peculiar to the applicant and such other description as the Department of Revenue may require with the date of its issue In the case foreign-born applicants such license shall contain the nationality of the person and all dates and numbers of the naturalization papers

All licenses legally issued shall authorize the person named therein to hunt for and kill or trap wild animals or wild birds as specified on the license subject to the restrictions and requirements of existing laws and the regulations of the commission regarding close seasons additional hunting or traping removal of protection or special deer seasons during the period for which the license is issued the date of which is inscribed thereon Said certificate before being valid must be countersigned in ink by the licensee

The license certificate issued with any hunter's license shall be carried on the person of the licensee at all times

while hunting or trapping and shall be shown immediately upon demand by any officer whose duty it is to protect wild animals and birds or upon demand by any owner or lessee or by an employe or representative of such owner or lessee upon whose lands such person may be found In addition to showing the license certificate upon demand by any such officer the holder thereof shall upon demand establish his further identity to the satisfaction of said officer by producing some other positive means of identification

Section 307 License Period All licenses shall be issued for the year beginning the first day of September and ending the thirty-first day of August of the year following In all cases however application for such license may be made and a license issued prior to the date upon which such license is in force

Section 308 License Tag The Department of Revenue shall also furnish free of charge and there shall be issued with each license a tag as hereinbefore specified All license tags shall bear the license number in figures at least one inch in height which tag said licensee is required to attach and display on the outer garment on the back between the shoulders in such manner that all figures are plainly visible at all times while hunting The license tag for the current year only shall be displayed

The tag or button issued with complimentary non-resident licenses shall be of such size and form as the commission may determine which tag or button the licensee is required to wear in plain view on an outer garment at all times while using it in such manner that the tag or button and the numerals thereon are plainly visible

Section 309 Persons Authorized to Take Applications for Licenses It is lawful for any justice of the peace magistrate or notary public to take applications for such licenses in writing for which service the applicant shall pay not to exceed fifteen cents in addition to the license fee prescribed said amount to be retained by said official or agent as his fee for taking such application and remitting payment therefor to the issuing agency of the county in which said official is located or to the Department of Revenue Such application and remittance shall be forwarded to the issuing agency or to the Department of Revenue within twenty-four hours with a certification thereon that the applicant has properly established his identity by producing a bank book letters lodge cards police cards a motor vehicles driver's license or by some other positive means of identification

Section 310 Issuing Agents to Keep Record and Make Report Each issuing agency of this Commonwealth shall keep a correct and complete record of all resident and non-resident hunters' licenses issued by him Each issuing agent shall at the close of each week forward a weekly report to the Department of Revenue on blanks furnished to him a complete list of licenses granted during the previous week in correct numerical sequence with names and addresses of licensees and such other information and data as the Department of Revenue may require A duplicate copy of said report shall be forwarded to the director and a triplicate copy of the report shall be retained in the office of the issuing agent which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth or to any landowner or his representative to any representative of the Department of Revenue or to any representative of the Department of the Auditor General

Section 311 Agents to Collect and Remit License Fees Reports Compensation The agents designated by the Department of Revenue for the collection of said license fees for their services rendered in collecting and paying over the same shall as long as they continue to be agents of the Department of Revenue be allowed to retain not to exceed the sum of ten cents from the amount paid for each resident hunter's license and not to exceed twenty-five cents from the amount paid for each non-resident hunter's license which amount shall be full compensation for services rendered by them under the provisions of this act such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law Each issuing agent shall remit all balances arising from this source at the end of each week to the State Treasurer through the Department of Revenue upon a form to be supplied by the Department of Revenue which weekly remittance shall be accompanied by a copy of the list of licenses issued during the previous week All such moneys shall be placed in the game fund by the State Treasurer

Every agent designated to issue hunters' licenses unless already under bond to cover the handling of public funds shall give bond to the Commonwealth in the sum of one thousand dollars ($1000.00) before the annual supply of licenses is delivered to him

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunters' licenses shall not be entitled to retain the sum hereinbefore fixed for his services but such sums shall be paid to the State Treasurer and if not so paid may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable

Section 312 Replacement of Lost Licenses and Tags Any holder of a hunter's license who shall lose either the license or the tag issued therewith or both the license and tag upon application to the Department of Revenue or other agent who issued the same accompanied by a sworn statement setting forth the pertinent facts relative thereto and the remaining portion if any of the original and the payment of one dollar shall be entitled to a new license and tag of the same kind and value as the original

The issuing agent shall indicate on the face of the license so issued also on the stub or carbon copy thereof that it is a replacement with the number of the original license The affidavit so filed and any remaining portion of the orignial license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors

For such services the Department of Revenue may authorize any issuing agent to retain not to exceed the sum of ten cents and remit the balance of the replacement license fee as hereinbefore provided

Section 313 Power to Administer Oaths Each agent who may be authorized or designated by the Department of Revenue to issue hunting licenses and each agent who may be authorized or designated by the Department of Revenue to receive applications for such licenses in accordance with the provisions of this act is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor

Section 314 Seizure of Licenses and Tags Any regular salaried officer of the commission is hereby empowered except where birds or animals are kilied by mistake and reported as hereinafter required to seize the hunting license and the tag issued therewith of any person apprehended in the act of violating any game law or any rules or regulations of the commission and who has either been convicted or signed an acknowledgment of violating any game law or rules or regulations of the commission or if such licensee is found using firearms to hunt while under the influence of intoxicating liquor or narcotics

All licenses so seized shall within twenty-four hours be forwarded to the division game supervisor for transmittal to the office of the commission with a report relative thereto The director may upon application of the owner return the license and tag to the owner if he is satisfied that the license should not be recommended to the commission for revocation in the manner hereinafter stipulated

Section 315 Revocation of Licenses Right to Hunt or Trap Denied (1) The Commission may revoke any hunter's license and deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license if said licensee or person has either been convicted or signed an acknowledgment of violating any provision of this act or if such person has been adjudged guilty in the manner hereinafter provided of any of the acts enumerated below for such periods as hereinafter specified

(2) Whether or not legal proceedings have been taken for the arrest and conviction of the offender the director through a referee appointed by him shall have authority to hold a hearing and shall have the power to subpoena witnesses expert and otherwise to administer oaths and

to require and receive sworn or affirmed written statements in any case where any person who according to information received while hunting or trapping is alleged

(a) To have been guilty of mutilating or carrying away notices posted by the Commonwealth

(b) To have done damage to real or personal property of any kind

(c) To have caused a forest fire

(d) To have been found under the influence of intoxicating liquor or narcotic drugs while carrying or using firearms or a bow and arrow

(e) To have committed an assault upon a landowner or lessee or employe of such landowner or lessee

(f) To have injured a human being by gunfire or with a bow and arrow

(g) To have inflicted an injury upon himself or otherwise been guilty of carelessness or negligence with firearms or with a bow and arrow

(h) To have upon request failed or refused to render assistance where any person was injured in a hunting or trapping accident

(i) To have caused such an accident and fled or failed to render assistance in hunting or trapping accident

(j) To have violated any other safety provision of this act not specifically above designated

The person so charged shall be given written notice by registered mail addressed to his last known post office address or by personal service upon him stating the time and place of such hearing and shall have the right to appear and to testify or to present witnesses and evidence in his own behalf

Any person who shall be subpoenaed before such referee and shall fail to appear before him without furnishing satisfactory reason for failure to do so or any person who shall appear and furnish false testimony shall likewise be subject to the penalties hereinafter provided

In all such hearings the duly authorized referee shall submit to the commision through the director a certified stenographic transcript together with the findings of facts and recommendations and upon such findings the commission is hereby authorized to revoke the license of the offender and to deny him the right to hunt or trap within this Commonwealth with or without a license for the periods hereinafter provided

(3) Such license revocations shall be for the folowing periods

(a) For the first offense any person convicted or having signed an acknowledgement of violating any of the provisions of this act may be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed two years Any person convicted or having signed an acknowledgment of a second or subsequent offense of violating any of the provisions of this act may be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of not less than two or more than three years For the third offense of violating any of the provisions of this act such person shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for such period as the commision shall determine

(b) For the first offense any person who shall have been convicted or adjudged guilty after a hearing as hereinbefore provided of any act enumerated in clause two of this section may be denied the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed five years Any person convicted or having been adjudged guilty after a hearing as hereinbefore provided of a second or subsequent offense of any of the above-mentioned provisions shall de denied the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed ten years and in addition thereto shall be subect to such other penalties as may be provided in this act

(c) Any court of record having jurisdiction in any case coming before it involving any of the offenses contained in this section shall have authority to revoke a hunter's license and to deny the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for the several periods herein indicated Certified notice of such revocation shall be submitted to the commission within thirty (30) days following such order

(4) Any person who shall be convicted or denied the right to secure a license or to hunt or trap in this Commonwealth with or without a license where personal injury has resulted shall furnish satisfactory proof to the commission that all hospital and medical bills have been satisfactorily adusted before such license shall be restored

(5) To revoke a license then in force or to deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth for any period the commission shall send a written notice to that affect to such person at his last known address either by registered mail or have it delivered in person by a representative of the commission The commission shall furnish in writing to the Department of Revenue and its license issuing agents the name address and the term for wihich such person has been denied the right to secure a license or to hunt or trap in this Commonwealth

(6) Any person whose license has been revoked by the commission for any of the aforesaid offenses pursuant to a hearing before a referee of the commission shall have the right to file a petition within thirty (30) days after being notified of such revocation for a review of the matter in the Court of Common Pleas of Dauphin County which court is hereby vested with jurisdiction and whose duty it shall be to set the matter down for hearing upon thirty (30) days written notice to the director and to determine whether the petitioner is subject to revocation of license The commission when such appeal is taken shall file with the prothonotary a certified record of the complete proceedings in the matter including a certified excerpt of the resolution of the commission The matter shall be heard by a judge or judges of the court without a jury and the proceedings before the commission and its referee conducting the investigation shall be given similar weight force and effect as are accorded to the findings and reports of a referee selected or appointed under the provisions of the act approved the fourteenth day of May one thousand eight hundred and seventy-four entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" and its supplements

Section 316 Certain Acts Declared Unlawful It is unlawful for any person

(a) Except in the defense of person or property to hunt chase shoot at take or kill or pursue with intent to take kill or wound any wild birds or wild animals by any method including the use of dogs without first securing a license and license tag as hereinbefore required and wearing such tag and showing or displaying such licenses as required by the provisions of this article but nothing in this clause shall be construed to prevent any person under the age of eighteen years to trap for furbearing animals or predators without securing a license

(b) Under the age of twelve years to receive a hunting license under any circumstances whatsoever

(c) Under the age of sixteen years to receive a hunting license without presenting a writtten request therefor bearing the signature of his father or mother or legally constituted guardian

(d) Under the age of sixteen years to use firearms of any kind or a bow and arrow for the purpose of hunting any wild birds or wild animals unless accompanied by a parent or guardian or some other member of his family twenty-one years of age or older unless such hunting is done on the premises whereon such person resides

(e) To procure a license under an assumed name or in which an address other than his legal place of residence is given or to make any false statement whatsoever in securing a license

(f) To lend or transfer a license or tag to another

(g) To issue or aid in securing a license under the provisions of this act for himself or any other person not legally entitled thereto

(h) After a license has been seized by a regular salaried officer of the commission to procure another license under his own or an assumed name or to hunt or

trap anywhere pending the decision of the director or the commission

(i) After being denied the right to hunt or trap by action of the commission or a court to hunt or trap anywhere within the Commonwealth during the period such right has been denied with or without a hunter's license

Section 317 Legal Hunting or Trapping by Residents Without License Nothing in this article shall be construed to prevent any citizen of the United States residing within this Commonwealth from having a gun in his home or from using such gun in defense of either person or property or from shooting at targets or to prevent any bona fide owner or any bona fide lessee of lands within this Commonwealth or any member of the family or household or regularly hired help of such owner or lessee if such person is a citizen of the United States actually residing upon and cultivating such lands from hunting or trapping thereon or by and with the consent of the owner thereof from hunting or trapping upon the lands immediately adjacent and connected with his own lands without securing the license provided for by this article unless the commission has denied or this act does deny to such person the right to hunt or trap anywhere

Section 318 Prima Facie Evidence of Hunting For the purpose of this act the fact that any person shall be found in possession of a gun trap or other device of any description useable for the purpose of killing or taking wild birds or wild animals or in the possession of the dead body of any wild bird or wild animal either in the field in the forests on the public highways or on the waters of this Commonwealth shall be considered "prima facie evidence" that such person is hunting and shall require him at all times to display his license tag for the current year as provided in this article and to show immediately upon demand his resident or non-resident hunter's license to any officer whose duty it is to protect the wild animals and birds or to show his license immediately upon demand by any owner or lessee or by any employe of representative of such owner or lessee upon whose lands such person may be found

In all cases of arrest for violation of any of the provisions of this section except where the dead body of any wild bird or wild animal is found in possession of the accused the affidavit of the person charged with such violation and satisfactory proof of his innocence shall rebut what is termed "prima facie evidence" in this secton

Section 319 Deposit and Return of Penalties Any person displaying his license tag properly but unable to produce immediately upon demand his hunter's license may at once sign a proper acknowledgement and deposit with the officer accosting him the fine of twenty dollars stipulated in this article for which such officer shall give an official receipt Such fine shall as soon as possible be forwarded by the officer in question to the commission with a report covering the case If the defendant desires a return of a fine so paid he shall file at the office of said commission at Harrisburg within twenty days an affidavit stating fully the reasons why he was unable to display said license immediately and give his description place of residence license number where same was secured and its date or attach the license itself whereupon said commission if satisfied that the purpose was not to violate the provisions of this article shall return such fine to the defendant otherwise it shall be deposited as hereinafter provided and the case considered closed

Section 320 Report of Game Killed Not later than January fifteenth following the date of issuance or such other date as the commission may fix of any resident or non-resident hunter's license issued under the provisions of this article it shall be the duty of the licensee to forward to the commission at Harrisburg on a form attached to such a license or on a substitute form containing like information if the original form has been mislaid or lost a report of all game birds and game animals and fur-bearing animals if the form provides space therefor killed by such licensee during the previous open season

Section 321 Penalties Any non-resident of this Commonwealth who shall hunt chase trap take shoot at wound or kill or attempt to hunt chase trap take shoot at wound kill or have in possession any wild birds or animals without a non-resident hunting license having been lawfully issued to him shall be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense and each day shall be considered a separate offense

Any person who shall fail to sign his license certificate as hereinbefore provided shall be sentenced to pay a fine of one dollar and costs of prosecution

Any licensee who shall fail to submit to the commission the report of game birds or animals or fur-bearing animals as required by this act shall be sentenced to pay a fine of two dollars and costs of prosecution

Any person who violates any of the provisions of this article except as above provided shall upon conviction be sentenced to pay a fine of twenty dollars and costs of prosecution for each offense Provided That an additinoal fine of twenty dollars and costs of prosecution shall be imposed when any person is convicted of

(a) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or by this act and each day shall be considered a separate offense

(b) Securing a hunter's license either in his own or an assumed name during any period of time that he has been denied such privilege by the commission

(c) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or any court of record because of inflicting bodily injury upon himself or any other person while hunting or trapping shall upon conviction in addition to the penalties provided be sentenced to suffer imprisonment for a period of thirty (30) days

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

ARTICLE IV

Special Permits

Section 401 Commission Empowered to Grant Permits Under the conditions and limitations hereinafter prescribed the commission may grant permits at its discretion to citizens of the United States who unless otherwise specified shall be residents of the Commonwealth and twenty-one years old or over which permits shall be in such form as the commission may determine and shall expire on May thirty-first of each year and which may be revoked or suspended at any time at the discretion of the commission Such permits shall not be transferable Such permits may be issued

(a) To any person of known scientific attainment in ornithology or mammalogy or to any agent of any public museum in this Commonwealth

(b) To any person desiring to practice taxidermy who shall have served a regular taxidermy apprenticeship for a minimum of four months under the supervision of a museum of recognized standing or under the supervision of a qualified and licensed taxidermist and to any person holding a taxidermist license which expires on the thirty-first day of May one thousand nine hundred and thirty-seven provided the commission may by resolution set up a system of examinations to determine the fitness of all applicants for such permits including the establishment of appropriate fees covering the cost of such examinations

(c) To fur dealers or their authorized employes operating from their established place of business purchasing or receiving raw furs for commercial purpose

(d) To any person within the Commonwealth desiring to propagate the game in captivity for commercial purposes

(e) To any person desiring to operate regulated shooting grounds

(f) To any person desiring to possess propagate or sell ferrets or the European member of the ferrett family known as the fitch

(g) To any person within the Commonwealth desiring

to propagate fur-bearing animals for commercial purposes

(h) To any person within the Commonwealth desiring to maintain a roadside menagerie for the purpose of exhibition or attracting trade and

The commission also may issue permits under other articles of this act as therein provided for and such other permits with or without charge as it may find essential to control the taking or possession of wild birds or wild animals or any part thereof

No person so long as he is legally acting under the authority of a permit issued by the commission shall be liable to any of the penalties provided for in this act

Section 402 Applications for Permits Any person firm association or corporation desiring a permit as provided for in this article shall present an application therefor on forms supplied by the commission and shall pay to the director five dollars except in the following cases Taxidermists desiring to practice taxidermy for profit shall pay twenty-five dollars fur dealers who have resided permanently in this Commonwealth for the preceding twelve months or more purchasing or receiving raw furs for commercial purposes shall pay ten dollars non-resident fur dealers purchasing or receiving raw furs for commercial purposes in this Commonwealth shall pay fifty dollars persons desiring to operate regulated shooting grounds shall pay twenty-five dollars for the first one hundred acres in the tract so used and five dollars for each additional one hundred acres or fraction thereof and breeders and dealers in ferrets or fitches shall pay twenty-five dollars

The application shall be accompanied by the written statement of at least two well known citizens of the community in which the applicant resides certifying to his good character and to his fitness to be intrusted with the authority granted by such special permit

In the case of applications for permits by firms associations or corporations the application shall bear the name of the president or general manager and the permit shall be isued in his name All applications for propagating permits and regulated shooting grounds permits shall be accompanied by a written description and a map or sketch of the premises to be used for such purpose with the location thereof

Section 403 Reports by Holders of Permits Inspections Within sixty days after the expiration of any permit the holder thereof shall file a sworn statement on blanks supplied by the commission whether an application is submitted for a renewal thereof or not covering all his transactions thereunder No renewal permit shall be granted unless each report has been submitted

The holder of each permit shall keep a record of all transactions thereunder and such record together with all plants and premises shall be open to inspection upon demand of any member or officer of the commission The permittee also shall answer without evasion any question relative to the ownership of any bird or animal or part thereof found in his possession or under his control or that has passed through his hands that may be asked by any member or officer of the commision

(a) Permits for Scientific and Museum. Collecting

Section 404 Collecting Permits authorizing the holder to collect birds their nests with eggs found therein and animals protected by this act for exhibition in public museums or scientific study or school instruction may be issued to (a) person of known scientific attainment in either ornithology or mammalogy for scientific study whether residents of this Commonwealth or not or (b) agents of public museums for exhibition purposes whether residents of this Commonwealth or not During the period covered by such permits unless the commission by resolution in special cases authorizes the taking of a larger number of birds and animals may be taken in numbers not to exceed the following

	Number of Specimens of each Species	Number of nests of each species and eggs found therein
(a) Scientists in ornithology or mammalogy		
Protected birds	20	4
Game birds	15	4
Game and fur-bearing animals	15	
(b) Agents of public museums		
Protected birds	10	2
Game birds	5	2
Game and fur-bearing animals	5	

The permit shall indicate the classification of said permit and the number of specimens that may be taken thereunder

It is unlawful for the holder of a collecting permit to sell or exchange or ship from or remove out of this Commonwealth without the written consent of the director any birds or nests or eggs or animals collected It is unlawful for the holder of any collecting permit to take in one year more than the number of birds nests with eggs or animals of any species than herein stipulated except as authorized by resolution of the commission

(b) Permits to Practice Taxidermy for Profit

Section 405 Permits to Taxidermists Permits issued to persons residing within this Commonwealth desiring to practice taxidermy for profit shall authorize the holder thereof to receive from any person any bird or animal that has been legally or accidentally killed and to keep such specimen or any part thereof in possession indefinitely and to tan or cure the same either himself or through any legitimate employe to sell or dispose of any unclaimed specimen to any person for the mounting charge only and to mount and sell any bird or animal which was raised under authority of a propagating permit Before any such specimen is sold shipped or transported to a non-resident of this Commonwealth a permit shall be obtained from the director

No taxidermist shall mount or tan any bird or animal or part thereof protected by the game law which was not lawfully killed during the open season or under the authority of a propagating permit until the owner thereof presents a permit obtained from the commission

It is unlawful for any person within this Commonwealth to practice taxidermy for profit without a permit issued by the commission It is lawful for the holder of any such permit to ship from or remove or permit the removal out of the Commonwealth of any specimen of a bird or animal or part thereof protected by this act which was legally taken or is otherwise legally possessed by a non-resident of this Commonwealth and shipped or delivered to the holder of such taxidermy permit for mounting or tanning or to any person or firm lawfully engaged in fur-dressing tanning or taxidermy in other states solely for the purpose of dressing tanning or mounting and return to such permittee

(c) Permits to Fur Dealers

Section 406 Permits to Fur Dealers Permits issued to persons to act as fur dealers shall authorize the holder thereof to receive or to purchase and to re-sell raw furs for commercial purposes

Regular authorized employes of fur dealers who hold a resident fur-dealer's permit and operate from the established place of business of such permittee may be issued a special employe's permit upon application submitted by the employer the cost of which shall be the minimum fee hereinbefore fixed which shall authorize said employe to receive or purchase raw furs for his employer anywhere in the Commonwealth No such permit shall be required when the employe is purchasing furs only at his employer's regularly established place of business

A permit issued to a non-resident firm or corporation authorizing such firm or corporation to receive or to purchase and to re-sell raw furs in this Commonwealth for commercial purposes shall authorize not to exceed three members of said firm or corporation or one employe thereof to use said permit for the purpose of purchasing raw furs in this Commonwealth The names and addresses of such persons shall be clearly indicated on the

face of the permit which shall at all times be carried by the person using it

It is unlawful for any person to purchase or receive or re-sell or to aid or assist in the purchase or re-sale of raw furs for commercial purposes without a permit as herein required issued by the commission

(d) Permits to Propagate Game for Commercial Purposes

Section 407 Permits to Propagate Game Permits to propagate game issued to persons and to associations and corporations shall authorize the holder thereof and his or its assistants to have in possession and to breed or raise game of any kind and to sell or barter or give away the same dead or alive or the eggs of game birds at any time under the regulations hereinafter provided

It is unlawful to have in possession for the purpose of breeding or to raise game of any kind in captivity and to sell or otherwise dispose of the same or to sell eggs of game birds so produced without a propagating permit except game bred or raised and released for stocking purposes in a wild state or sold to the commission or bred and raised for home consumption on the premises only

Section 408 Premises used by Propagating Permittees For raising small game the premises used by holders of propagating permits may be of such size as the operator thereof deems best suited to his purposes so long as the premises so used are surrounded by a tight woven wire fence with a minimum mesh of two inches and not less than six feet high

For raising elk or deer the premises shall be surrounded by a wire fence of approved pattern with a height of not less than eight feet so constructed and maintained as to absolutely prevent wild elk or deer from entering in any manner into said premises Before the fence surrounding any such premises shall be closed all wild elk and deer that may be upon said territory shall as far as possible be driven thereupon by the owner under the direction of an officer of the commission

Section 409 Disposing and Removing Game From Propagating Premises Where game of any kind is raised or eggs of game birds are produced on premises under authority of a propagating permit such game or eggs may be sold or given away and such game may be shipped alive from said enclosure for propagating purposes or may be killed in any manner within said enclosure for sale or gift without regard to sex or numbers at any time of the year under the following regulations but no small game may be killed by shooting within such enclosure except in accordance with the provisions of this act or regulations adopted by the commission governing the taking of such game in a wild state

Before any live game of any kind raised under authority of any propagating permit is shipped out of the Commonwealth it must be offered to the commission for propagating purposes and the director shall within ten days advise the permittee whether it desires to purchase the same If not purchased by the commission it may be shipped to any other state or nation if properly tagged as hereinafter provided Game so raised when dead may be shipped anywhere if tagged properly

Before any game propagated or eggs produced under authority of any propagating permit are shipped or removed from any premises the permittee shall apply to the commission for a tag which shall be supplied at cost Said tag shall be composed of two parts and when detached one part thereof containing the name and address of the purchser and the kind and manner of game or eggs shipped or removed shall be attached to the container or the bird or animal The other part of the tag containing the information required shall immediately be returned to the commission by the permittee

The tag attached to a container or a bird or animal shall so remain until the eggs are removed from the container or the living bird or animal is released from the container or the dead body of any bird or animal is cut up for retail purposes or final consumption at which time the tag shall be removed by the person receiving the eggs or finally disposing of the bird or animal and shall at once be forwarded to the commission

It is unlawful for any permittee or his agent or employe to neglect to return to the commission any tag with the information thereon required or to kill sell give away remove or ship any game bred or so raised or eggs of game birds produced under the authority of any propagating permit except in compliance with the provisions of this section

It is unlawful for any person to neglect to remove and return to the commission any tag attached to any container or to any bird or animal except in compliance with this section

It is unlawful for any person wilfully or wantonly to remove or mutilate or destroy any tag attached to any container or bird or animal according to the provisions of this section except in the manner and at the time and place provided for in this section

It is unlawful for any person to wilfully use any tag of the kind provided for in this section for the carrying removal or shipment of game or the eggs of game birds taken or killed outside of premises used for propagating game under authority of a permit or for the purpose of a second shipment of game or eggs from any such premises

(e) Permits ot Operate Regulated Shooting Grounds

Section 410 Permits to Operate Regulated Shooting Grounds Any person association or corporation desiring to operate regulated shooting grounds upon which to propagate and release annually a minimum of one hundred of any of the following species of game birds namely pheasants chukar partridges or mallard or black ducks or upon which to release such numbers and species of birds when legally propagated or purchased for shooting and other purposes on lands owned or leased by him or it shall first secure a regulated shooting grounds permit from the commission The application in addition to other information required by the commission shall state the approximate number of each of the foregoing species of game birds to be reared or purchased and released for shooting purposes on said property during the ensuing year

No regulated shooting grounds permit shall be issued for less than one hundred (100) acres in one tract of land or land and water combined nor shall such permit be issued until the commission has satisfied itself that said shooting ground will not be inimical to the public interest and until the owners have agreed to make available an open public hunting area continguous thereto which shall be an area equal to at least one-half of the area of the regulated shooting grounds with public hunting and access assured thereto

The boundary of the premises so licensed shall be marked by a single strand of wire or other fence and shall be posted with printed notices not more than one hundred yards apart and containing such working as the commission may prescribe

Section 411 Shooting Restrictions on Regulated Grounds Such permits shall entitle the holder or holders thereof and their guests to kill or take by shooting only (a) not to exceed sixty per centum of the pheasants and chukar partridges and ninety per centum of the mallard or black ducks propagated or purchased and released on the premises each year said propagation or release to be established to the satisfaction of the commission or (b) if prior to the shooting season the holder or holders of such permits turn over to the commission for stocking purposes elsewhere twenty-five per centum of the birds ready to be released for shooting purposes such birds being full-winged first quality stock and in equal numbers as to sex the permittee shall be entitled to take by shooting only all of the remaining seventy-five per centum of the birds propagated or purchased for shooting purposes

All game birds released on said regulated shooting grounds shall be full-winged and fully able to care for themselves in a wild state and wherever the commission deems it desirable all mature birds released shall bear a metal leg band of a type approved by it Such propagated or released birds may be taken without regard to sex or age or daily or season bag limits so long as not more than the specified percentages herein enumerated are taken during the shooting period below authorized but no shooting for pheasants chukar partridges or mallard or black ducks shall be done on said premises prior to the

date and hour of the general state-wide open season for small game as fixed by this act or the commission nor after December thirty-first of any year

All species of game other than those specified found on the premises covered by such regulated shooting grounds permits may be taken on said premises only under the general provisions of the law governing seasons bag limits etc

Every person hunting on such regulated shooting grounds or participating in a shoot held under a regulated shooting grounds permit shall be possessed of a resident or non-resident hunter's license for the current year as required by law

Section 412 Tagging Birds Killed Retriever Trials Before any propagated or released game killed under the provisions of a regulated shooting grounds permit shall be consumed on the premises or removed therefrom the permittee shall attach a tag to each bird killed such tags to be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require Said tags shall remain attached to the individual birds until prepared for consumption and shall not be used more than once

Dogs may be trained or retriever or field trials may be conducted at any time of the year upon the premises covered by a regulated shooting grounds permit but during the period from January sixteenth to the opening day of the general hunting season no game birds shall be killed while so conducting retriever or field trials unless a special permit as required elsewhere in this act has first been obtained

It is unlawful for any person to take any of the game birds enumerated in this section contrary to the provisions thereof or to remove from the premises covered by a regulated shooting grounds permit or to consume thereon any propagated or released pheasants chukar partridges or mallard or black ducks killed in accordance with the provisions of this section which have not been tagged as herein required

(f) Permits to Possess or Propagate Ferrets or Fitches

Section 413 Permits to Possess Breed and Sell Ferrets and Fitches It is unlawful for any person to breed or to sell ferrets or fitches or to offer to sell ferrets or fitches either for himself or as the agent of another or to have any ferret or fitch in his possession except by virtue of a permit issued by the commission which permit when issued for the possession only of ferrets or fitches shall indicate the number of such animals the permittee is authorized to possess A separate fee shall be required for each animal covered by a possession permit

It is unlawful for any breeder or dealer in ferrets or fitches to sell or for any common carrier or the agent of any common carrier to deliver any ferret or fitch to any person within this Commonwealth unless the person to whom such ferret or fitch is to be sold or delivered shall possess a proper permit to have such animal in possession Proof to the satisfaction of the person selling or delivering any ferret or fitch of the possession of any such permit must be required by the production of the permit or by inquiry made to the commission and a record shall be made of all sales by dealers showing the name address ferret or fitch permit number and date of such permit before the sale is consumated

(g) Permits to Propagate Fur-Bearing Animals for Commercial Purposes

Section 414 Permits to Propagate Fur-Bearing Animals Any person association or corporation resident within this Commonwealth desiring to propagate animals classed as fur-bearing animals in an enclosure or pen for commercial purposes shall first secure a permit from the commission

Section 415 Disposing and Removing Fur-Bearing Animals from Fur Farm Where fur-bearing animals of any kind are raised in pens or approved fenced enclosures under the authority of a fur-propagating permit they may be sold or given away and shipped alive or may be killed and pelted within said enclosures without regard to sex or numbers at any time of the year under the following wing regulations

Before any fur-bearing animals may be removed from the enclosure the permittee must secure from the commission a tag which shall be supplied at cost Said tag shall be composed of two parts and when detached one part thereof containing the name and address of the purchaser and the kind and number of animals either alive or dead or pelts shall be attached to the container of the animals or pets The other part of the tag containing the information required shall be immediately returned to the commission The tag attached to the container of the animals or pelts shall remain attached until the animals or pelts are delivered to the consignee when said tag shall at once be returned to the commission

Section 416 Marshes Not Fenced The owner or owners or bona fide lessee or lessees of marshes or other land and water areas naturally inhabited or stocked with muskrats who may desire to operate a fur farm without fencing may obtain a permit as provided in this article and therefore shall comply unless otherwise provided with all provisions of this act

Upon making application for a permit to operate a fur farm on a marsh land or water area not fenced the applicant shall give the approximate area and location of such proposed farm The permittee shall post such areas with notices setting forth that this is a licensed fur farm such notices to be posted at conspicuous places and not to be more than one hundred and fifty yards apart Fur-bearing animals raised under a permit on a marsh or other area not fenced cannot be killed or pelted except during the open season for the taking of fur-bearing animals A permit may be issued by the commission to the permittee to take alive for exchange or breeding purposes not more than ten muskrats of both sexes in any one year

(h) Permits to Maintain Roadside Menageries

Section 417 Permits for Roadside Menageries The commission may grant permits for roadside menageries which are hereby defined as any place where one or more wild animals are kept in captivity upon any street or highway or upon land public or private adjoining any street or highway or upon land public or private in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade

The term "roadside menagerie" shall not include the exhibition of any animal by any educational institution or in any zoological garden or in connection with any theatrical exhibition or circus The term "wild animal" as used in this section shall mean any animal wild by nature as distinguished from the common domestic animals whether or not such animal was bred or reared in captivity

No permit shall be granted by the commission until it is satisfied that the provisions for housing and caring for such wild animals and for protecting the public are proper and adequate and in accordance with the standard therefor established by the commission

The commission shall adopt and enforce rules and regulations for the housing care treatment feeding and sanitation of wild animals kept in roadside menageries and for the protection of the public from injury by such wild animals

It is unlawful for any person to keep any wild animal in captivity upon any street or highway or upon land public or private adjoining any street or highway or upon land public or private in the vicinity of any commercial establishment for exhibition or the evident purpose of attracting trade or to have any wild animal in his custody or control for such purpose unless a permit has been issued by the commission

Section 418 Act Not to Apply to Certain Cases This act shall not be construed to apply to or prohibit the taking or possession of birds and animals by any public zoological garden of the State or any public institution within the State maintained for scientific purposes or receiving appropriations from the State wherein animals

or birds are maintained alive for educational purposes or for the purpose of scientific study or experiment

Section 419 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For the sale or exchange or shipment or removal out of this Commonwealth of birds or nests or eggs or the taking of birds or eggs or nests contrary to the provisions of his article by agents of museums or persons of scientific attainment in ornithology or mammalogy acting under the authority of any permit twenty-five dollars

(b) For the practice of taxidermy for profit without a permit as provided in this article twenty-five dollars and in addition thereto twenty-five dollars for each specimen of a bird or animal protected by this act mounted or in possession for mounting

(c) For the mounting sale or shipment or removal from or permitting the removal from the Commonwealth by the holder of any taxidermy permit of each specimen of a bird or animal protected by this act contrary to the provisions of this act twenty-five dollars

(d) For a resident of the Commonwealth purchasing or receiving or re-selling raw furs for commercial purposes without a permit as provided in this article twenty-five dollars

(e) For a non-resident of the Commonwealth purchasing or receiving or re-selling raw furs for commercial purposes without a permit as provided in this article one hundred dollars

(f) For the breeding or propagating of game or fur-bearing animals in captivity without a propagating permit contrary to the provisions of this article twenty-five dollars for each bird or animal so bred or propagated

(g) For neglecting to return to the commission the part of the tag not attached to the container or bird or animal with the information thereon required or for the killing or selling or giving away or removing or shipping of game or fur-bearing animals bred or propagated or eggs produced by the holder of any propagating permit or his agent or employe contrary to the provisions of this article twenty-five dollars

(h) For neglecting to remove and to return to the commission as provided in this article the tag attached to any container or to any bird or animal ten dollars

(i) For wilfully or wantonly removing or mutilating or counterfeiting or altering or destroying a tag attached to a container or bird or animal contrary to the provisions of this article twenty-five dollars

(j) For wilfully using any tag for the carrying or removing or shipping of game or fur-bearing animals or the eggs of game birds taken or killed outside of premises for propagating game or fur-bearing animals under authority of permit or for the purpose of a second shipment of game or fur-bearing animals from any such premises contrary to the provisions of this article twenty-five dollars

(k) For taking any game birds on premises covered by a regulated shooting grounds permit in excess of the numbers fixed by the provisions of this article or for taking or capturing such birds by any method other than by shooting or for consuming on the premises or removing therefrom any propagated or released pheasants chukar partridges or mallard or black ducks killed in accordance with the provisions of this article with reference to regulated shooting grounds which have not been tagged as herein required or for attempting to operate such regulated shooting grounds contrary to any other provisions of this article fifty dollars

(l) For the breeding or selling or offering for sale or having in possession or delivering any ferret or fitch contrary to the provisions of this article twenty-five dollars for each ferret or fitch

(m) For maintaining a roadside menagerie for the purpose of exhibition or attracting trade contrary to the provisions of this article or for failure to comply with the regulations of the commission relative to the housing and care of such animals twenty-five dollars

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and cost of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

ARTICLE V

Hunting Seasons Bag Limits

Section 501 Open Seasons After investigation or information otherwise obtained by the commission as to the annual game supply the commission may by appropriate rules and regulations a summary of which shall be published as hereinfater specified fix seasons shooting hours and daily season and possession limits or remove protection and declare an open season or increase reduce or close seasons or increase or reduce bag limits for all species of game birds and game animals throughout the Commonwealth or in any part thereof or limit the number of hunters in any designated area and prescribe the methods of hunting therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such species or when an unbalanced sex ratio exists which in its opinion should be corrected or when in the opinion of the commission such additional open season will not jeopardize the future supply of game

If in any year the commission fails to establish such seasons or bag limits the open seasons and bag limits for game Sundays excepted unless otherwise provided by this act shall be as below indicated

Kind of Game	Open Season
Raccoon	Oct 15th to Dec 31st
Wild turkey ruffed grouse male pheasant bobwhite quail gambel quail valley quail grackles commonly known as blackbirds rabbit hare and gray black and fox squirrel	Nov 1st to Nov 30th
Hungarian partridge and Chukar partridge	No open season except as fixed by resolution of the commission
Red Squirrel	Nov 1st to Aug 15th next following
Bear over one year old .	Nov 10th to Nov 25th
Male deer with two or more points to one antler	Dec 1st to Dec 15th
Deer without visible antlers or horns of such minimum weight or age as shall be fixed by resolution of the commission ...	No open season except as fixed by resolution of the commission
Elk	No open season except as fixed by resolution of the commission

It is unlawful for any person to kill or attempt to kill or to hunt for or take or have in possession any game bird or game animal at any time of the year other than the open season fixed by resolution of the commission in the manner above provided or as set forth in this section except as elsewhere provided in this act

(a) Hunting at Certain Periods Unlawful If in any year the commission by resolution fixes a later hour than that fixed by this act to begin hunting for game on the first day of any open season it shall be unlawful for any person except in defense of person or property to hunt for chase disturb or take or to attempt to hunt for chase disturb or take any wild bird or wild animal game or otherwise through the use of firearms or a bow and arrow or with dogs on such first day of the season prior to the opening hour so fixed

During the five days preceding the open season for deer as fixed either by this act or by resolution of the commisison it shall be unlawful for any person except

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in defense of person or property to hunt for pursue or take or attempt to hunt for pursue or take wild birds or wild animals of any kind through the use of a rifle or any other firearm discharging but one ball or pellet at a single discharge or to have in possession while hunting any rifle cartridges or single-ball shotgun shells during such five day period

(b) Raccoons Not To Be Trapped Exceptions Except in defense of person or property it is unlawful for any person to take or attempt to take raccoons through the use of traps or deadfalls except in such county or counties as the commission may by proper resolution public notice of which shall be given as hereinafter provided declare open to trapping when in its opinion raccoons are sufficiently abundant to justify such trapping In counties so declared open to the use of traps and deadfalls raccoons shall not be taken through such devices prior to the open season for the trapping of muskrats

(c) Special Permits for Antlerless Deer In any year during which the commission by resolution declares an open season for deer without visible antlers it is hereby empowered to issue special permits to hunt for or kill such deer at a fee of two dollars under such rules and regulations as it may deem necessary to limit the number of persons who may hunt for such deer in any portion of the Commonwealth provided public notice of such action is given as hereinafter required When the commission adopts and promulgates such rules and regulations it is unlawful for any person to hunt for any deer without visible antlers without such a special antlerless deer permit or to take such deer contrary to the rules and regulations adopted by the commission

Section 502 Bag Limits It is unlawful for any person to kill or attempt to kill or have in possession in any one day or in any one season unless otherwise provided in this act or by resolution of the commission more game birds or game animals than fixed by resolution of the commission or in lieu thereof as hereinafter enumerated

Kind of Game	In One Day	In One Season
Raccoons (by individual or hunting party the shooting or trapping day for which is hereby fixed from 12 o'clock noon eastern standard time of one day to 12 o'clock noon of the following day)	3	10
Wild turkey	1	1
Ruffed Grouse	3	12
Male Pheasants	2	10
Quail of the combined kinds	8	24
Grackles	Unlimited	Unlimited
Rabbits	5	20
Hares	3	12
Squirrels including the fox black and gray combined	6	20
Red Squirrels	Unlimited	Unlimited
Bear (by individual or hunting party)	1	1
Deer (by individual)	1	1
Deer (by hunting party)	6	6

Except as otherwise provided by regulations of the commission every deer taken shall be a male deer having two or more points to one antler and every bear taken shall be not less than one year old

Sections 503 Seasons and Bag Limits for Migatory Game Birds It shall be unlawful for any person to hunt capture kill take or attempt to take possess buy or sell any migratory game bird or part thereof except during such time and in such manner and numbers as may be prescribed by regulations promulgated under the provisions of the Federal Migatory Bird Treaty Act which regulations are hereby made a part of the game law of this Commonwealth provided however that such Federal regulations shall not apply if the commission or other provisions of this act may prescribe further restrictions for the taking of migratory game birds

Section 504 Trapping Certain Game Birds It is lawful with the written approval of the commission or one of its regular salaried field officers to trap quail of any kind and ringneck pheasants from the first day of December to the first day of April next following for the purpose of keeping them alive during the winter or for the purpose of separating a covey to increase the chances of propagation but for no other purpose whatever Every person so trapping game birds shall attach his name and address in plain English to all traps so used and shall report the number and species thereof so trapped to the district game protector or to the commission at the end of each month

It is unlawful for any person to trap quail or pheasants for the purposes stipulated in this section without the written approval herein required or to transport from one locality to another locality in this State any such quail or pheasant except by written permission of the director All birds thus taken shall be liberated in the spring as soon as the weather will permit

Section 505 Action of Commission to be Advertised To fix seasons shooting hours and daily season and possession limits or to remove protection and declare an open season or to increase reduce or close seasons or to increase or reduce bag limits for any species of game birds game animals or fur-bearing animals or to permit the taking of raccoons with traps or deadfalls or to limit the number of hunters in any designated area and prescribe the methods of hunting therein or to remove any animal from the list of fur-bearing animals or to add any bird to the list of unprotected birds throughout the Commonwealth or in any part thereof a notice to that effect shall be published by the commission in the Pennsylvania Game News which magazine is hereinbefore declared the official publication for publishing the rules and regulations of the commission setting forth either in full or in summarized form the action of the commission and the rules and regulations adopted relative thereto The commission shall also publish a summary of the seasons and bag limits and designate any counties that may be closed and name the species of game birds and game animals or fur-bearing animals for which there is no open season on the back of the hunter's licenses each year and shall prepare and distribute such additional posters or notices as in its judgment may be necessary

If during any year the commission adopts a resolution changing seasons or bag limits for game birds game animals or fur-bearing animals or declares additional open seasons or closes seasons or permits the taking of raccoons with traps or deadfalls throughout the Commonwealth or in any part thereof for such birds or animals after the hunters' licenses have been printed in addition to giving notice of such action in the Pennsylvania Game News the commission shall publish a notice in not less than two newspapers of general circulation in each county affected one time each week for at least two consecutive weeks setting forth the action of the commission and the rules and regulations adopted relative thereto in such summarized form as it deems essential for the information of the public

It is unlawful for any person to violate any of the rules and regulations adopted by the commission and published as herein required for the preservation of game birds game animals or fur-bearing animals or to take or be possessed of such birds or animals at a time or in any number or manner or of any kind or sex contrary to such rules and regulations

Section 506 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

For taking killing wounding possessing or transporting from one locality to another within this State or for attempting to take kill or wound contrary to this article or any rules and regulations relative to the taking of game or fur-bearing animals adopted by the commission

(a) Each elk two hundred dollars and in the discretion of the court six months' imprisonment

(b) Each deer or bear one hundred dollars

(c) Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars

(d) Each raccoon twenty-five dollars

(e) For each other bird or animal ten dollars

For violating any of the provisions of this article not above specifically provided for or for violating any of the rules and regulations of the commission adopted under the provisions of this article twenty-five dollars and costs of prosecution for each offense

Upon failure of any persons convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

ARTICLE VI

Fur-Bearing Animals

Section 601 Open Season for Fur-Bearing Animals After investigation or upon information otherwise obtained by the commission as to the annual supply of fur-bearing animals the commission may by appropriate rules and regulations a summary of which shall be published as hereinbefore specified fix seasons trapping hours and daily season and possession limits or remove protection or increase or reduce seasons and bag limits for any or all species of fur-bearing animals throughout the Commonwealth or in any part thereof or limit the number of trappers in any designated area and prescribe the methods of trapping therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such animals or to reduce the numbers thereof to safeguard game birds and animals

If in any year the commission fails to establish such seasons and bag and possession limits in the manner herein specified the seasons and bag and possession limits for fur-bearing animals shall be as follows

Kind of Fur-Bearers	Open Season	Bag Limits Day	Bag Limits Season
Muskrat Mink and Opossum	Nov 1st to Feb 28th	Unlimited	Unlimited
Skunk in counties where the commission has added such animal to the list of fur-bearing animals.	Nov 1st to Feb 28th	Unlimited	Unlimited
Beaver	Feb 15th to Mar 15th	3	6
Otter	No open season except as fixed by resolution of the commission		

Section 602 Unlawful Taking Killing Possession Etc of Fur-Bearing Animals Except as otherwise provided in this act it is unlawful for any person to take kill wound capture or have in possession or attempt to take kill wound or capture any fur-bearing animal except during the open season and in such numbers as fixed by regulations adopted by the commission or fixed by this act or to have in possession the green pelt of any fur-bearing animal or any part thereof except during the open season therefor and for ten days thereafter

It is unlawful to stake out or set traps for fur-bearing animals prior to the date and hour fixed as the open season for taking such animals

It is unlawful to take or attempt to take raccoons through the use of traps or deadfalls in any county which has not been declared open to such trapping by resolution of the commission or to take such animals in counties so declared open to trapping prior to the day and hour fixed as the open season for trapping muskrats

It is unlawful to buy or sell or offer to buy or sell or to ship out of this Commonwealth any fur-bearing animals or any part thereof which have been unlawfully taken

This section does not prohibit the possession at any time of fur-bearing animals killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of fur-bearing animals not unlawfully killed or the possession of live fur-bearing animals legally taken within this Commonwealth during the open season Green pelts of fur-bearing animals which were lawfully taken in another state except when in the hands of a licensed fur-dealer shall have attached thereto positive identification and proof of the locality where taken

Section 603 Illegal Methods of Taking Fur-Bearing Animals Exceptions In the taking or killing of fur-bearing animals or predators it is unlawful to set traps closer than five feet from any hole or den which may be occupied by a fur-bearing animal or predator or to take muskrats and beavers except through the use of steel or live traps and deadfalls or to use a snare poison explosives chemicals a steel trap with teeth on the paws or with a jaw spread exceeding six and one-half inches measured in any direction or a deadfall with an opening exceeding six and one-half inches in height and six and one-half inches in width or to smoke out or dig out any den or house of any kind or to cut den trees or to use any trap or deadfall of any kind unless visited at least once every thirty-six hours except when prevented by sickness or storm

All traps or deadfalls so used must be marked with a metallic place or tag attached to the deadfall trap or trap chain bearing in plain English the name and address of the owner and must be taken up or sprung at the end of the season

Nothing contained in this section shall prevent the killing of any muskrat or beaver with a firearm after it has been legally trapped or prevent persons residing upon cultivated lands from digging out dens or houses of any wild animals excepting beavers during the close season in fields which are under cultivation or from preventing any person from killing or capturing alive any fur-bearing animals excepting beavers at any time in any manner when found in the act of destroying personal property or in the immediate pursuit thereafter but in no case shall the pursuit be carried beyond the limits of the property upon which the damage is done

The person killing or capturing any such fur-bearing animal or accidentally killing or capturing and injuring a fur-bearing animal during the close season while legally hunting or trapping for other animals in season shall immediately notify a game protector or the director at Harrisburg and such animal or the pelt thereof shall be disposed of as may be specified by the director Failure to notify such officer or the director as herein provided shall constitute prima facie evidence of the unlawful killing or capturing of fur-bearing animals

Section 604 Special Regulations Relative to Beaver In addition to complying with the requirements of this act relative to taking fur-bearing animals the trapping of beavers shall be restricted to bona fide residents of Pennsylvania holding a lawfully issued resident hunter's license Owners and lessees of land and members of their families actually residing thereon and cultivating such land may trap beavers thereon if open to public trapping but not on any adjacent or other lands without first securing a resident hunter's license

No person having the right hereunder to trap and kill beavers shall be permitted to use and set to exceed ten traps If such person shall unintentionally trap more than the number of beavers hereinbefore stipulated or fixed by regulation of the commission the excess beavers shall be reported within twenty-four hours and delivered to any salaried employe of the commission to be disposed of as hereinafter provided.

Before the hide of any beaver lawfully trapped may be possessed beyond the ten day limit hereinbefore fixed or sold or otherwise disposed of by such person each skin shall be presented to a salaried officer of the commission for examination and tagging which tag shall remain attached to the skin until it has been tanned and made up into commercial fur The cost of each such tag shall be ten cents

It is unlawful for any person to take or attempt to take

or have in possession a beaver or the green pelt thereof contrary to the provisions of this section

Section 605 Tags Required Before Shipping Raw Furs to Other States Except as otherwise provided by this act it is unlawful for any person to ship transport or deliver by parcel post common carrier or otherwise the raw or untanned skin of any fur-bearing animal raccoon or predator to a point outside of this Commonwealth unless each shipment shall have attached a shipping tag obtained from the commission or one of its regular salaried officers

Such tags shall be supplied at a cost of twenty-five cents and shall be composed of two parts One part thereof giving the name and address of the consignee and the kind and number of skins contained in the package shall be attached to the containor in which the raw or untanned skins of the before-mentioned animals are shipped The other part of said tag containing the information required shall immediately be returned to the commission at Harrisburg

The consignee of any shipment shall remove the tag attached to the container and after indicating thereon the amounts paid by him for the skin or skins contained in the shipment shall return said tag to the commission at Harrisburg

The provisions of this section shall not be construed to require the holder of a fur-dealer's permit in this Commonwealth to secure and attach such special shipping tags before making or delivering a shipment of raw or untanned skins of any point outside of this Commonwealth so long as such permittee indicates on the shipping tag or label the number of his fur-dealer's permit for the current year nor shall the provisions of this section be construed to prevent any holder of a taxidermist's permit from shipping the raw or untanned skins of fur-bearing animals raccoons in fur-dressing tanning or taxidermy in other states solely for the purpose of dressing tanning or mounting and return to such permittee

It is unlawful for any common carrier or his agent to receive raw or untanned skins for shipment to any point outside of this Commonwealth unless tagged as hereinbefore required

It is unlawful for any person to wilfully or wantonly remove mutilate or destroy any tag attached to a container in which such skins are shipped except in the manner and at the time and place provided for in this section

It is unlawful for any consignee to fail or neglect to remove and return to the commission a tag attached to any container in which raw or untanned skins are shipped except in compliance with the provisions of this section or for any consignor to return immediately to the commission the portion of the tag hereinbefore required

Section 606 Beavers and Their Dams Protected It is unlawful to destroy or disturb or in any manner interfere with the dams or houses of beavers except upon special permit from the commission

Section 607 Disturbing Traps of Another It is unlawful for any person to disturb the traps of another or to take a fur-bearing animal raccoon or predator from the traps of another unless specifically authorized by the owner

Section 608 Commission Authorized to Remove Animals When it is proven to the satisfaction of the commission that fur-bearing animals are excessively destroying property or otherwise becoming a nuisance in any section the commission may at any time remove protection or have such animals removed from that locality or direct the killing and disposition of same in such manner as the case may require

Section 609 Skunks in Cities and Boroughs Nothing contained in this act shall be construed to prohibit the killing of skunks at any time and in any manner within all boroughs and cities in this Commonwealth and two hundred yards adjacent to the boundary or limits of such cities or boroughs regardless of any provisions of this act This provision shall not be construed to abrogate any local ordinances prohibiting the discharge of firearms or the use of explosives or chemicals within municipalities The carcasses and skins of skunks so killed may be disposed of in such manner as the person killing them may see it

Section 610 Penalties Any person killing or capturing or possessing or attempting to kill or capture any beaver or otter or destroying or disturbing or interfering with beaver or otter dams or houses or dens or killing capturing possessing or disposing of any beaver contrary to the provisions of this article or the regulations of the commission shall upon conviction be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense

Any person violating any rule or regulation of the commission relative to the taking of fur-bearing animals not covered in the preceding paragraph or disturbing the traps of another or removing a fur-bearing animal or raccoon or predator from the traps of another without specific authority from the owner shall upon conviction be sentenced to pay a fine of twenty-five dollars for each offense

Any person violating any of the provisions of this article except as otherwise provided for shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution for each offense

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

ARTICLE VII

General Hunting Regulations Protected Birds

Section 701 Unlawful Taking Killing Possession Etc of Game Except as otherwise provided in this act it is unlawful for any person to take or kill or wound or attempt to take or kill or wound any game except during the open season or to have in possession either living or dead any game or any part thereof except game lawfully taken during the open season which may be had in possession during the open season therefor and for thirty days thereafter without a permit

Persons desiring to retain lawfully taken and possessed game for a longer period than thirty days after the close of the open season for such game shall apply to the director for a permit which may be issued without charge and shall authorize possession of such game for an additional period not to exceed six months

The burden of proof that game or any part thereof found in possession of any person after the close of the open season was lawfully taken shall be upon the person in whose possession such game or part thereof is found

This section does not prohibit the possession at any time of game killed outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of birds or animals not unlawfully killed or the possession of live raccoons when lawfully taken during the open season provided the owner thereof applies to the director for a permit within five days after the close of the season which shall be issued without charge

It is unlawful for any person to use any game that has been unlawfully killed or taken or to aid or assist in the taking possession concealment or transportation of any game unlawfully killed or to have in possession for any purpose whatsoever or conceal the same any game or any part thereof that has been unlawfully killed or taken

Section 702 Hunting on Sunday and at Night It is unlawful for any person to hunt for shoot at chase catch or kill or attempt to shoot at chase catch or kill with or without dogs any game except in defense of person or property upon the first day of the week commonly called Sunday except for dog training or trial purposes as hereinafter provided or to hunt for shoot at catch or kill or attempt to hunt for shoot at catch or kill any game between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day

following or during such hours as shall be further restricted by resolution of the commission on the first day of any open season for game of any kind except that raccoons may be hunted for and killed any time during the open season day or night Sunday excepted This section shall not prohibit the removal of racoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 708 Lawful Methods of Hunting It is lawful to hunt for catch take wound or kill game of any kind only through the use of a gun pistol revolver or bow and arrow of a kind the use of which is not hereinafter prohibited except

(a) That raccoons may be killed or captured in any manner if complying with the provisions of this act when using traps except that such animals may not be taken through the use of automatic firearms or magazine shotguns which have not been so manufactured altered or adjusted as to hold not more than three shells or snares poisons explosives or chemicals or by smoking out or digging out dens or houses or cutting den trees nor may traps or deadfalls be used to capture raccoons in any county which has not been declared open to trapping for such animals and in such open counties raccoons shall not be trapped prior to the trapping season for muskrats

(b) That blinds and decoys may be used in hunting wild waterfowl as permitted under Federal regulations

(c) That it is lawful to use steel traps baited or otherwise with a spread of jaws not exceeding six and one-half inches measured in any direction provided the trap does not have teeth on the jaws and it is lawful to use a deadfall baited or otherwise with an opening not exceeding six and one-half inches in height and six and one-half inches in width if a metallic plate on tag is attached to each trap or chain or deadfall bearing in plain English the name and address of the owner for the purpose of taking predators and fur-bearing animals so long as such traps or deadfalls are not set closer than five feet from any den or hole or where any game may be caught and such traps or deadfalls are visited at least once every thirty-six hours unless prevented by sickness or storm and at the end of the trapping season all traps are sprung or removed but it shall be unlawful to use snares of any kind to capture wild birds or wild animals and

(d) In any manner for scientific purposes pursuant to a permit issued by the commission

(a) Unlawful Methods and Devices

Section 704 Unlawful Methods of Hunting It is unlawful for any person to shoot at or to shoot for any wild bird or wild animal unless it is plainly visible to him or to dig cut or smoke or in any other manner take any live wild bird or wild animal other than a predator out of its den or place of refuge

Except as otherwise provided it is lawful to hunt for catch take kill or wound or attempt to catch take kill or wound any wild bird or wild animal of any kind through the use of (a) what is commonly known as an automatic gun or an automatic firearm of any kind (b) or a magazine shotgun to hunt for any bird or animal other than big game which has not been so manufactured altered or adjusted as to hold at one time a total of not more than three shells or a swivel gun or an air-rifle or the apparatus known as a silencer (c) or from an automobile or vehicle or boat or craft of any kind propelled by any mechanical power (d) or to set lay or prepare for use or to use any bait hay grain or other food or any trap snare set-gun net bird-line deerlick pitfall turkey blind or turkey pen the term "set-gun" as herein used meaning any contrivance device or firearm capable of discharging or projecting a deadly charge or missile which is set to operate in the absence of the owner (e) or to make use of or take advantage of any artificial light battery or other contrivance or device (f) or to make use of any method or device not specifically permitted by this act for the purpose of catching taking wounding or killing wild birds or wild animals It is unlawful to hunt for catch take kill or wound or attempt to catch take kill or wound raccoons except in the manner provided in this act

(b) Unlawful Manner of Hunting Big Game

It is unlawful to kill or attempt to kill any big game except through the use of a gun propelling one all-lead or lead alloy or soft-nosed or expanding bullet or ball at a single discharge or through the use of a bow and arrow or to take an elk in any manner except through the method known as still hunting

It is unlawful for any person or one or more of a group of persons together to throw or cast the rays of a spotlight headlight or other artificial light on any highway or in any field woodland or forest upon any big game while having in his or their possession or under their control a firearm or other implement whereby any big game could be killed even though such animal be not shot at injured or killed The provisions of this paragraph shall not apply if it shall be proven that the headlights of a motor vehicle operated by the defendant or defendants while traveling on a highway in the usual way cast a light upon such animal on or adjacent to such highway and there was no attempt or intent to locate such animal

(c) Unlawful to Kill Big Game in Water

It is unlawful for any person at any time to shoot at or kill wound or capture or attempt to kill wound or capture any big game while taking refuge in or swimming through the waters of any of the streams ponds dams reservoirs or lakes

(d) Use of Dogs in Hunting Big Game or Turkeys

It is unlawful for any person to make use of a dog in hunting big game or wild turkey and every person who takes a dog into the woods or who has possession or control of a dog in the woods and every person in a camp which has a dog in their possession or control or in which a dog is harbored shall be liable to the fines prescribed in this article for the unlawful chasing taking or killing of big game or wild turkey as the case may be if such dog runs after pursues or follows upon the tracks of any big game in such close pursuit as to endanger the life of the animal or does pursue or scatter wild turkeys

(e) Hunting with Ferrets or Fitches

Except as otherwise provided in this act it is unlawful for any person to hunt for catch or kill or cause or permit the hunting of hares or rabbits with or through the use of a ferret or a fitch The fact that any person shall place a ferret or a fitch in any hole or opening outside of buildings in which a rabbit might be found or shall be caught in the act of using a ferret or a fitch in taking hares or rabbits or shall have a ferret or fitch in possession or under control in either the fields or forests or highways or in or on any vehicle or trailer upon the highways or on railroad or railway cars shall render such person liable to the penalty prescribed in this article Any ferret or fitch found running at large or found in the possession or under the control of a person not possessed of a ferret or a fitch permit or of a person convicted of violating any provisions of this act shall be forfeited to the Commonwealth and shall be immediately killed by the officer or citizen into whose hands such animal may come

(f) Unlawful Crafts and Vehicles

It is unlawful to hunt for or pursue or to follow after with intent to kill game of any kind from or with or through the use of any boat or craft propelled by any means other than oars or pole or handpaddle Any person using a craft or boat for such purposes contrary to this section or the captain or owner or other person in charge of such boat or craft who shall allow or permit the same to be used contrary to this section shall be liable to the fine provided for in this article

It shall be unlawful to hunt for or pursue or to follow game of any kind with any vehicle or conveyance other than a boat as above or to use any vehicle or trailer or

part thereof or its lights or equipment for the killing wounding or catching of game of any kind or to use any vehicle or trailer for the transportation of game illegally killed

Section 705 Unlawful Killing of Big Game It is unlawful for any person at any time by standing on watch or otherwise to kill or attempt to kill a second big game animal of the same species in one season It shall not be unlawful for a member of a camp or body of men hunting together who has killed a legal big game animal to cooperate with the members of such camp or body of men hunting together only in the manner known as driving while acting as a member of such camp or body of men hunting together so long as the number of big game animals killed by such camp or body of men hunting together shall not exceed the legal limit

It is unlawful for any person at any time to shoot at or wound or kill or attempt to shoot at or wound or kill or have in possession a female elk or a deer without visible antlers or horns less than such weight or age as shall be fixed by resolution of the commission or any part thereof or a male elk or a male deer or a bear of either sex found in a wild state or any part thereof that may not be lawfully taken except as otherwise provided by the laws of this Commonwealth

Section 706 Possession of Big Game Without Head Attached The possession or control of any big game animal or of any portion of such animal shall be prima facie evidence that it was killed unlawfully in this Commonwealth unless the head is attached in a natural way Each person in whose possession or under whose control the same may be found or who may be proven to have had such animal or part thereof in possession or under control shall be liable to the penalty provided in this article for the unlawful killing of such big game unless such person shall immediately upon demand made by an officer of the Commonwealth whose duty it is to protect game produce the head or other satisfactory evidence that the flesh in question found in his possession or proven to have been under his control is a part of a big game animal legally killed in the Commonwealth

Section 707 Regulations for Parties Hunting Big Game Each group of five or more persons who hunt together or who in any manner cooperate with others while hunting for big game shall at all times maintain upon the person of the captain or leader in charge of the entire cooperating group a roster on a form supplied or approved by the commission and containing the names of all cooperating persons and such other information as may be required In addition thereto a duplicate copy of such roster shall be posted at the headquarters or camp of such party in such manner as to be plainly visible for inspection from the outside The term "headquarters" as herein used shall mean any hunting camp lodge hotel boarding house private residence tent automobile truck trailer or other place of abode either temporary or permanent

Each such roster shall at all times be open to inspection by any officer whose duty it is to enforce the game laws of this Commonwealth and shall be produced in the field upon demand of any such officer

A copy of the roster so posted at a permanent camp lodge boarding house hotel or residence shall remain posted at such headquarters for thirty days following the close of the open season

A copy of such roster containing the information required by the commission shall be forwarded to the offices of the commission at Harrisburg not later than fifteen days after the close of the open season for the big game hunted by such party

For failure to maintain post produce or return the required roster or record each member of the hunting party shall be liable to the penalties provided in this article

It is unlawful for any body of men either camping together or hunting in unison or in any manner cooperating with each other to kill or be possessed of in one season more than the number of legal big game animals fixed by this act

Every person in a camp or body of men hunting together or in any manner cooperating with others in hunting for big game shall be individually liable to the full penalty imposed in this article for each big game animal killed in excess of the number provided by this act after the time the various members of such party have had ample apportunity to get together not exceeding the close of said day and ascertain that the legal limit of such animals has been killed In any case where more than the lawful number of big game animals are killed unintentionally by any hunting party any excess animals shall be turned over to the nearest salaried representative of the commission within eighteen hours after killing for disposition as hereinafter provided

Every person who may hunt individually or with another camp or party hunting in unison for big game or in any manner cooperating with others hunting for such animals after having participated in any manner in killing during the season the number of such animals prescribed in his act for hunting parties shall be liable to the full penalty and costs of prosecution prescribed in this article for killing such animals contrary to the provisions of this article and such penalty shall be imposed for every day such person shall hunt contrary to the provisions of this section

Section 708 Tagging Big Game Each person killing a big game animal found in a wild state shall within four hours attach thereto the big game tag supplied with his hunting license both parts of which shall be properly completed If such animal has been lawfully killed by a person not required to secure a license or by a person who has previously killed another legal big game animal or by a person who has lost the tag supplied with his license such person shall make and attach a tag within four hours after such killing bearing in plain English his name address and if holding a license the license number and county number if the license bears such number with the location where such game was killed

Every failure to have said tag attached as herein provided shall subject the person so neglecting to the penalties provided in this article and if the person responsible for such neglect to tag any such game cannot be located each member of the camp or party shall be individually liable to such penalty

Any game found in the possession of any person and not tagged as herein provided shall be forfeited to the Commonwealth to be disposed of as hereinafter provided and may be seized by any officer whose duty it is to enforce the game laws

Section 709 Killing Game for Hire It is unlawful for any person to kill game for wages or hire or in evasion of this provision and to that end it shall be unlawful for any person acting as a guide to deliver or in any manner cause to be delivered to the benefit of his employer or the person he may be guiding game killed by him or for the employer of any employe acting in the capacity of a guide to receive game killed by such employe or guide while in his employ

Nothing in this act shall be construed to prevent any person from using a dog or dogs belonging to him or under his control to locate or chase legal small game while acting as a guide for others or from acting as a guide when not carrying a rifle or shotgun after such has killed his limit of big game or participating in killing the lawful limit of big game as prescribed for camps or parties hunting in unison

It is unlawful for any salaried employe of the Commonwealth whose duty it is to enforce the game laws to act as a guide for hunters

Section 710 Killing Game by Mistake Each individual who may by mistake kill any wild bird or animal contrary to the provisions of this act or any rules and regulations of the commission may within twenty-four hours pay one-half of the penalty imposed by the law for the illegal killing of any big game animal and two-fifths of the penalty imposed by law for the illegal killing of any other bird or animal to a legally authorized representative of the commission of such individual to the best of his ability shall at once remove the entrails and deliver the carcass of

the bird or animal so killed to any game protector for disposition as hereinafter provided and shall within twenty-four hours after such killing make and deliver to such officer a statement in writing under oath explaining when and where and how such mistake was made

Said portion of the penalty and the sworn statement together with the officer's report shall be forwarded to the director as quickly as possible for review If after investigation the director is not satisfied said killing was done in mistake but caused by negligence or carelessness he shall order the defendant to be prosecuted in the regular manner and the amount so deposited shall be applied toward the payment of the full penalty and any costs of prosecution as provided in this act

Section 711 Shipping Game by Parcel Post Except as in this act otherwise provided it is unlawful for any person to ship game or any part thereof killed in a wild state in this Commonwealth by parcel post Nothing contained in this section shall be construed to prevent the shipment of skins of raccoons or bears legally killed if marked properly to show the contents

Section 712 Shipping Game to Taxidermists Nothing contained in this article relative to the shipment of parts of game within or out of the Commonwealth shall apply to the shipment of a bird or animal or part thereof either legally or accidentally killed that the holder thereof may desire to preserve as a trophy or as a specimen and shall send to a licensed taxidermist for tanning or mounting when the package is properly marked showing the contents thereof Provided That all such shipments out of the Commonwealth shall be legal only pursuant to a permit secured from the director

Section 713 Transporting Small Game It is unlawful for any person to ship or transport by common carrier of any description or by vehicle or craft of any kind or its attachment any small game or part thereof killed in a wild state in this Commonwealth or for any common carrier or his or its agent to transport small game of any kind from one point to another point within this Commonwealth unless such small game is accompanied by the owner thereof or is caried upon the same train or conveyance with such owner in the following manner

Such game shall be carried upon the person in the hunting coat or game bag or openly as hand-baggage without cover in such manner as to be easily seen and inspected When such game is carried in baggage or boxed for shipment each package or box or receptacle of any description containing such game shall have attached thereto a card or marker bearing in English the name of the person owning same with the place of his residence the name of the county wherein such game was killed and the number of each species of small game contained in said package

It is unlawful for any person to have in possession or to transport or attempt to transport any species of game in excess of the legal possession limits fixed by this act or established by regulation adoption by the commission

Section 714 Transporting Big Game It is unlawful for any person or for any common carrier or his or its agent to ship or transport big game of any kind unless the carcass shall in all instances have attached thereto a card or marker bearing in English the name and address of the owner his license and county number if the license bears such number with the name of the county wherein the same was killed

It is unlawful for any person to cut up big game and ship transport carry or convey any part thereof or for any common carrier or his or its agent to transport any such part unless each division thereof shipped uncovered or each package container or baggage of every description containing any part of such game shall have attached a card or marker bearing in English the name of the owner of such game with his home address his license and county number if the license bears such number and the character of the contents of such package so that such contents may be determined by an outside inspection thereof

Section 715 Transportation of Game Outside of State Except as otherwise provided in this act it is unlawful for any person at any time to ship transport or remove or attempt to assist to ship transport or remove or cause or attempt to have shipped or transported or removed out of this State any game animal or game bird or protected bird or to have in his possession or under his control any game bird or animal or protected bird with intent to allow or aid in the shipment or removal thereof out of this State and it is unlawful for any person acting in the capacity of a common carrier or his or its agent or as the operator of a conveyance of any kind or in control of a conveyance of any kind to receive for transportation or to transport remove or aid assist in removing or attempt to remove beyond the limits of the State any game animal or game bird or protected bird

Nothing contained in this section shall be held to impose any penalty upon the transportation of game in unbroken packages in transit through this State from another State nor upon the shippment out of the State at any time of game legally killed or taken in another State whether the same be in original packages or otherwise nor upon the shipment of game legally killed in this Commonwealth which is delivered in good faith to a common carrier for transportation from one point to another point in this State if necessary carried out of this State to reach its destination but actually delivered at the point of destination within this State and in the case of small game is accompanied by the owner thereof nor upon the removal from the State at any time of mounted specimens of game lawfully taken if such specimens are being transferred as part of the personal effects of the owner thereof

Any non-resident licensed hunter may take with him personally when leaving the State in the manner prescribed by law relating to the shipment of game from one point to another in this Commonwealth and the tagging of game any game except elk that such licensee has lawfully taken or killed not exceeding during the season the number that any one person may lawfully take or kill in any three days

Section 716 Buying and Selling Game Except as otherwise provided by this act it is unlawful for any person at any time to buy sell or barter or offer for sale or barter or have in possession for sale or barter any game or parts thereof no matter where such game has been killed excepting deer or rabbits killed in another State or Nation or the skins of raccoons and bears no matter where killed and other game legally killed and imported from another state or nation when tagged as herein required

Except as otherwise provided by this act it is unlawful for any person at any time to sell or barter or offer for sale or barter for human consumption any species of game or parts thereof protected by this act or similar thereto imported either dead or alive from another state or nation except deer or rabbits unless the carton containing such birds or animals or the individual carcasses shall have attached a tag identifying the birds or animals in plain English and giving the state or nation from which originally shipped Before any such game may be offered for sale there shall first have been attached to each bird or animal by a representative of the commission a metal seal the cost of which is hereby fixed at five cents which seal shall remain attached until the carcass is prepared or finally cut up for consumption

Nothing in this section shall be construed to prevent the purchase or sale of game raised under authority of a propagating permit in this Commonwealth and properly tagged or the purchase or sale of live racoons legally possessed for release or propagating purposes within the Commonwealth or the purchase or sale or introduction into this State at any time of live birds or animals for propagation liberation or for any other purpose that has been inspected and legally passed in accordance with the conditions hereinafter stipulated or to prevent at any time the sale within the State or the shipment out of the State without a license of any kind of any animal raised in captivity and not found in a wild state in this Commonwealth or the purchase or sale of the tanned cured or mounted heads or skins or parts thereof of any game not killed in a wild state in this Commonwealth

Section 717 Dogs Pursuing or Deer Liability of Owners Any dog pursuing or following upon the track of an elk or deer is hereby declared to be a public nuisance Such dog

may be killed by any person when in such close pursuit as to endanger the life of any deer or elk found in the act of killing any deer or elk or by any officer whose duty it is to protect the game of the State upon affidavit made by any person acquainted with the facts that said dog is in the habit of pursuing elk or deer or did kill or injure an elk or deer within a period of three months before the date of such affidavit

The owner or person harboring or in control of a dog either killed in conformity with the law or proven to have pursued or injured or killed an elk or deer contrary to the provisions of this section shall be liable to penalty of fifty dollars for each elk and twenty-five dollars for each deer pursued or injured or killed

When the owner or person harboring or in control of a dog shall neglect or refuse to take such action as may be necessary to prevent such dog from running elk or deer after notice in writing from an officer whose duty it is to protect game to the effect that the dog in question is in the habit or pursuing elk or deer he shall be liable to double the amount as fixed before for the first offense

Section 718 Dogs Pursuing Small Game in Close Season Any dog pursuing or following upon the track of any small game during what is known as the close season for game is hereby declared to be a public nuisance and may be killed by any officer of the Commonwealth whose duty it is to protect the game or wild birds or the owner or lessee of land whereon it is found or by an employe of such owner or lessee unless such dog shall wear a collar having attached thereto a metalic tag or plate upon which shall be plainly inscribed in English the name and address of the owner of such dog and also a dog license tag as provided by the laws of the Commonwealth

Any dog thus wearing a collar inscribed and tagged as before mentioned pursuing small game during the close season may be killed by any officer of the State whose duty it is to protect the game of the State or by the owner or lessee of any land upon which such dog may be found or by any employe of either the owner or lessee when such dog is seen upon the track of such game or is in the act of injuring or killing or has injured or killed such game after notice in writing from that particular person or from the director has been given to the owner or reputed owner or person in contol of such dog to the effect that the dog in question is in the habit of destoying or pursuing or following upon the track of game contrary to this section

Any person who shall permit his dog or a dog under his control to pursue small game during the close season shall be liable without notice of any kind to a penalty of ten dollars and costs of prosecution for each day small game may be pursued in violation of this section and to an additional penalty of five dollars for each animal or bird injured or killed by such dog without the aid or direction of its master

Section 719 Training of Dogs on Certain Game Exception For Fox Hunting Except as otherwise provided in this act or in defense of person or property it is unlawful for the owner of any dog or dog under his control to permit such dog to chase pursue or follow upon the track of any wild bird or wild animal either day or night between the first day of April and the ninteenth day of August next following provided however that the commission upon receipt of a petition signed by two hundred and fifty (250) or more residents of a county who held hunting licenses of the previous year or who are farmers or sheep raisers whether licensed to hunt or not shall by resolution notice of which shall be published as required by this act designate any county or part thereof in which hunting foxes with dogs at any time either day or night shall be lawful throughout the entire year except for such sixty-day period as the commission may designate when complying with the provisions of this act relative to hunting licenses or permits

During the hours from sunrise to nine o'clock post meridian eastern standard time dogs when accompanied by and under controll of their owner or handler may be trained upon any game in this Commonwealth except elk deer or bear or wild turkey from the twentieth day of August to the thirty-first day of March next following unless said period be further restricted by resolution of the commission so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds except that during the foregoing periods and under the conditions stipulated it shall be lawful to train dogs upon raccoons from sunrise to midnight eastern standard time Provided however That it shall be unlawful to train dogs on Sunday unless the consent of the owner of the land where such training is being done has first been secured but no such consent shall be required in the case of State and National forest lands

"Under control" is hereby defined to mean within call except when actually on a trail or track of legal game

Any person who shall train a dog or dogs or permit a dog or dogs under his control to pursue or follow upon the track of any small game or other bird or animal except elk deer or bear contrary to the foregoing provisions shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution for each offense

Section 720 Permits for Field Trials It shall be lawful to hold field meets or trials where dogs are permitted to work on liberated or native wild game in exhibition or contest provided due diligence is exercised by those directing such meet or participating therein to prevent the injury or killing of the game being pursued at any time during daylight hours from the twentieth day of August to the close of the training season as fixed by this act or by resolution of the commission without first securing a permit and from the close of such training season to the fifteenth day of April after having secured a permit as hereinafter required

It shall also be lawful to hold field meets or trials for dogs with led game animals or with drags at any time between the sixteenth day of April and the nineteenth day of August next following having secured a permit as hereinafter required

Such permits may be issued by the director upon proper application and the payment of a fee of five dollars for each such trial held on not to exceed five consecutive days A representative of the commission shall supervise all such meets and enforce any rules and regulations of the commission governing the same

It is unlawful for three or more persons to hold or participate in a field trial or meet without first securing the permit required by this section Participants in a recognized field trial or meet shall not be required to be possessed of either a hunter's license or a tag while participating in such field trials

Any person who shall violate any provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution for each offense

Section 721 Permits for Retriever Trials It shall be lawful to hold field meets or trials for retrieving dogs where the skill of such animals is demonstrated by retrieving dead and wounded game birds or animals which have been propagated or otherwise legally acquired and released on the day of the trials on premises owned or controlled by the club or individual conducting same and shot for such purpose at any time during daylight hours Sundays excepted from the fifteenth day of October to the thirty-first day of December next following after having secured a permit as herein required

Such permits may be issued by the director upon proper application and the payment of a fee of ten dollars for each day upon which such trials shall be conducted A representative of the commission shall supervise all such trials and enforce any rules and regulations of the commission governing the same

Such permits shall authorize the holders thereof to kill all of the birds or animals specifically released by the permittee on the day of the trials or from the hand while the trials are in progress under the observation of an official representative of the commission

The person or persons designated by the committee in charge to do the shooting for such trials shall be known as the official gun or guns and no other person shall be permitted to kill or attempt to kill any of the birds or animals released for such trials Birds or animals so released may be killed during the above period without regard to sex or numbers

Before any game killed under the provisions of this section shall be consumed on the premises or removed therefrom the official representative of the commission shall attach a tag to each bird or animal killed such tags to be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require Said tags shall remain attached to the individual birds or animals until prepared for consumption and shall not be used more than once

It is unlawful for any person to hold conduct or to participate in a retriever trial before the permit required by this section has been secured or for any person to possess or remove from the shooting grounds any birds or animals killed which have not been tagged as herein required or for any person to sell or purchase or attempt to sell or purchase any birds or animals killed in conformity with the provisions of this section

Participants in such a recognized retriever trial shall not be required to be possessed of either a hunter's license or a tag while participating in such trial

Any person who shall violate any provisions of this section shall upon conviction be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense

Section 722 Permits for Fox Hunting Clubs It is lawful for any fox hunting club fox hunting organization or individual owning and hunting an organized pack of twenty or more fox hounds to hunt foxes for sport from the twentieth day of August to the thirty-first day of March next following unless the commission shall fix a different period for fox hunting in any county as otherwise provided in this act if such club organization or person shall first secure a permit as hereinafter required

Permits to hunt organized packs of fox hounds may be issued by the director upon proper application and the payment of an annual fee of fifty dollars but no such permit shall be required of individuals or groups of individuals hunting foxes for sport from the twentieth day of August to the thirty-first day of March next following unless the commission shall fix a different period for fox hunting in any county as otherwise provided in this act so long as they do not hunt with what is commonly known as an organized pack of twenty or more fox hounds but all such persons shall be possessed of a hunter's license and tag as required by this act

It is unlawful for any fox hunting club fox hunting organization or individual or groups of individuals to hunt an organized pack of twenty or more fox hounds without complying with the provisions of this section Persons participating in a hunt conducted with an organized pack of fox hounds under permit shall not be required to be possessed of either a hunter's license or tag

Any person who shall violate any provision of this section shall upon conviction be sentenced to pay a fine of one hundred dollars and costs of prosecution for each offense

Section 723 Importing Selling and Releasing Certain Birds Eggs and Animals It is unlawful for any person to bring or in any manner to have transported into this Commonwealth from any other state or country any living animal or any bird or the eggs of any bird the importation of which is prohibited by the Secretary of Agriculture of the United States under the provisions of any law of the United States or that may hereafter be prohibited by regulation of the commission or to release within this Commonwealth any fox wild cat domestic cat mink weasel ferret or fitch brought into this State from another state or country or reared in captivity or in a domestic state in this Commonwealth or any other bird or animal the importation of which has been prohibited.

It is unlawful to bring into or sell within this Commonwealth living birds or animals of any kind or the eggs of any bird which have been imported from any other state or nation or to release within this Commonwealth for any purpose imported birds or animals of any kind contrary to such rules and regulations as the commission may adopt to safeguard the native wild game or fur-bearing animals of this Commonwealth

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay the fine provided for in this article

Section 724 Killing Game Destroying Property (1) Nothing in this act shall be construed to prevent any person as hereinafter defined and restricted from killing in any manner except through the use of poison or explosives or snares or steel traps excepted any of the animals or birds hereinafter stipulated which he may find actually engaged in the material destruction of cultivated crops fruit trees vegetables livestock poultry or beehives or in the case of red squirrels or blackbirds destroying either the eggs or young of protected or game birds or from destroying said animals or birds anywhere on the property under his control immediately following such destruction or where the presence of said bird or animal on any such cultivated lands or fruit orchards is just cause for reasonable apprehension of additional imminent destruction

The word "person" as used in this clause shall mean any person actually residing upon and cultivating as a means of gaining a livelihood any lands for general farm crop purposes commercial trucking or fruit orchard or nursery being regularly maintained for commercial purposes as either the owner or lessee of such lands or a member of his family actually residing upon and regularly assisting in the cultivation thereof or an employe of such owner or lessee hired on a monthly or annual basis and regularly assisting in the cultivation thereof and where such owner or lessee shall upon request of any representative of the commission produce satisfactory evidence that material damage has been done within fifteen (15) days and that there was just cause for reasonable apprehension of additional imminent destruction provided that such lands are open to public hunting and that no saltlick bait or other artificial means have been used to lure said animals or birds onto such lands

(2) Any elk deer or bear may be legally killed only through the use of a firearm which discharges a single ball or bullet not smaller than a twenty-five calibre under the foregoing provisions provided a report is made as hereinafter required and other conditions stipulated are complied with and

(3) Any rabbit squirrel raccoon woodchuck or the birds commonly known as blackbirds may be legally killed under the foregoing provisions provided a report is made as hereinafter required and other conditions stipulated are complied with

(4) The provisions of this section shall be construed to permit the killing of those birds or animals enumerated herein upon detached lands being cultivated for like purposes in common with lands upon which the actual residence of the operator is maintained provided the killing thereof is reported and the carcasses are cared for as hereinafter stipulated but no such birds or animals killed on any such detached land shall be retained for food

(5) The person killing any such animal or bird except red squirrels and the birds commonly known as blackbirds shall within twelve (12) hours after killing either orally or in writing report such killing to the nearest game protector or the office of the commission at Harrisburg setting forth the date and time of killing the species killed and in the case of elk or deer or bear the sex thereof and shall except in the case of red squirrels or the birds commonly known as blackbirds immediately after killing remove the entrails and transfer the carcass to a place of safe keeping to be turned over to any game protector upon demand except as hereinafter specified

(6) One elk or deer or bear so killed and reported in accordance with the foregoing provisions may be retained for food provided all portions of the carcass generally considered edible shall be consumed only within the household of a person residing upon such lands and having a legal right to kill the same No additional animals shall be retained for food until the entire carcass of the animal previously retained has been entirely consumed under the foregoing provisions Any additional elk or deer or bears legally killed under the provisions of this section so long as there is any unconsumed or edible portion of an elk or a deer or a bear retained within the household of any person legally entitled to possess the same under the provisions of this section shall be turned over to a game protector as hereinbefore specified

(7) It is unlawful for any person not legally entitled under the provisions of this section to hunt for chase kill or attempt to kill or to deliver or transport ship purchase barter exchange or give away any bird or animal or any portion thereof killed under the provisions of this section or to fail or refuse to report such killing within the specified time or to fail to remove the entrails and properly care for the carcass of an animal so killed

Any person violating any of the several provisions of this section shall be liable for the fines hereinafter provided

Section 725 Possession or Interference with Nests or Eggs of Birds Except as otherwise provided in this act it is unlawful for any person to take or have in possession or under control either the nest or any egg or young found therein of any game bird or protected bird or to wantonly interfere with or destroy any such nest or egg or the young found therein Any person violating any of the provisions of this section shall be liable to the fines hereinafter provided

Section 726 Unlawful Killing and Possession of Protected Birds Except as otherwise provided in this act it is unlawful for any person at any time to shoot at wound take or kill any protected birds or to have such birds either living or dead or any part thereof in his possession

Nothing contained in this section shall be construed to prevent any person from killing any eagle or hawk or owl or turkey vulture or heron protected by this act when caught in the act of destroying domestic livestock poultry game other protected birds their nests or young or fish in private rearing ponds or to prevent such killing immediately following such destruction

No protected bird or any part thereof killed as herein provided or by accident shall be mounted or retained in possession except pursuant to a permit obtained from the commission

Any person violating any of the provisions of this section shall be liable to the penalty hereinafter provided

Section 727 Unlawful Sale of Protected Birds and Plumage Except as otherwise provided in this act it is unlawful for any person acting either for himself or as the agent or representative of another to have any protected bird or any part of the plumage or skin thereof or any bird or part of the plumage or skin of a bird that may have been brought into this Commonwealth from another state or country which belongs to the same family as those found in a wild state in this Commonwealth in possession or under control for the purpose of sale or to offer or expose the same for sale or to transport ship or remove or attempt to transport ship or remove from this Commonwealth for any purpose any such bird either living or dead or any part of the plumage or skin thereof

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 728 Ownership of Carcass of Game The ownership of the carcass of game lawfully shot and killed shall be deemed to be in the person who inflicts a mortal wound which causes the death of the bird or animal and which enables the hunter to obtain possession of the carcass

When a mortal wound has been lawfully inflicted on any game but the same is not killed immediately and continues in flight and is thereafter lawfully shot by another hunter who inflicts a mortal wound thereby stopping the flight of such game and killing it enabling such hunter to take possession of the carcass the ownership of the carcass shall be deemed to be in the hunter whose fatal wound stopped the flight of such game and enabled him to take possession of the carcass

In case of a dispute a disinterested person other than an officer whose duty it is to enforce the game laws may be called in to arbitrate the matter and no such officer shall testify concerning any such dispute

Section 729 Larceny Any animal or bird or the carcass or body or parts thereof of any animal or bird lawfully taken killed or caught by any person under the provisions of this act shall be deemed to be personal property and the subject of larceny

Section 730 Vehicles on Highways Required to Stop Upon Signal It is unlawful for the operator of any motor vehicle to fail or refuse to stop any such vehicle or conveyance of any kind being operated upon any public highway within this Commonwealth upon request or signal of any officer whose duty it is to enforce the game laws when such officer is in uniform and shall display his badge or other insignia of identification for the purpose of inspecting or searching said vehicle or conveyance its passengers or contents for the unlawful possession concealment or transportation of game of any species or parts thereof or to in any manner interfere with any such officer while making such inspection

It is unlawful for any person to turn off any or all lights on a vehicle or conveyance being operated upon any public highway within this Commonwealth for the purpose of avoiding identification or arrest upon request or signal to stop as required in this section

Section 731 Penalties Any person violating any of the provisions of the section of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For hunting or shooting or chasing or catching or killing any game or attempting to shoot at or chase or catch or kill with or without dogs any game upon the first day of the week commonly called Sunday or for hunting for or shooting at or catching or killing or attempting to hunt for or shoot at or catch or kill any game (except as authorized by this act) between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following contrary to the provisions of this article or regulations adopted thereunder by the commission twenty-five dollars

(b) For using a vehicle or trailer or conveyance or boat or craft or permitting the same to be used contrary to the provisions of this article fifty dollars for each day

(c) For taking any wild animal or wild bird contrary to the provisions of this article or regulations adopted thereunder by the commission ten dollars for each trap or device so used

(d) For failure to maintain post or produce upon demand by an officer the roster or record of a hunting party as required by the provisions of this article twenty-five dollars

(e) For failure to return to the commission the roster carried by the captain or other leader of a hunting party or a copy thereof as required by the provisions of this article five dollars

(f) For failure to tag or mark a deer or elk or bear within four hours after killing as required by the provisions of this article twenty-five dollars

(g) For shipping transporting carrying or conveying parts of large game in any package container or baggage of any description without having a card or marker attached as provided by this article twenty-five dollars

(h) For a common carrier or his or its agent to transport game from one point to another in this Commonwealth contrary to the provisions of this article twenty-five dollars

(i) For violating any of the provisions of this article relating to living birds and the eggs thereof and living animals imported or brought into or released within this Commonwealth twenty-five dollars for each bird or egg or animal imported or sold or released contrary to said provisions

(j) For interfering with or destroying the nest or egg or young found therein of any game bird contrary to the provisions of this article fifty dollars for each nest and twenty-five dollars for each young

(k) For interfering with or destroying the nest or egg or young found therein of a protected bird contrary to the provisions of this article ten dollars for each nest or young

(l) For shooting at or wounding or taking or killing or possessing any protected bird contrary to the provisions of this article ten dollars

(m) For selling or offering for sale or possessing for the purpose of sale or transporting or shipping or attempting to transport or ship any protected bird or any bird that may have been brought into this Commonwealth which belongs to the same family or the skins or plumage of any such bird twenty dollars

(n) For making use of or taking advantage of any

vehicle trailer conveyance headlight or spotlight or artificial light or battery or other contrivance or device to spot or locate or hunt for or catch or take or kill or wound any elk deer or bear or for setting laying or preparing for use or using any set-gun for the purpose or evident purpose of taking killing or wounding or attempting to take kill or wound any elk deer bear or other wild bird or wild animal contrary to the provisions of this article one hundred dollars for each person concerned and the forfeiture of such vehicle trailer headlight spot light or other contrivance and all paraphernalia used

(o) For failure or refusing to stop any vehicle or conveyance being operated upon any public highway within this Commonwealth upon request or signal of any officer whose duty it is to enforce the game laws contrary to the provisions of this article ten dollars

(p) For turning off any or all lights on a vehicle or conveyance for the purpose of avoiding identification or arrest contrary to the provisions of this article fifty dollars

(q) Except as otherwise herein provided for hunting or chasing or catching or taking or killing or wounding or receiving or delivering or transporting or shipping or using or concealing or assisting to conceal or having in possession or attempting to hunt for catch take kill wound or transport contrary to this article or regulations adopted thereunder by the commission or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth or relating to the buying or selling or bartering of

I Each elk two hundred dollars and in the discretion of the court six months' imprisonment

II Each deer or bear one hundred dollars

III Each wild turkey ruffed grouse pheasant quail partridge or woodcock twenty-five dollars

IV Each racoon twenty-five dollars

V Each wild bird or wild animal ten dollars

In any case where any game bird or game animal was legally taken and held in possession after the time permitted by this article the fine shall be one-half of the fine above prescribed

In addition to the fine above prescribed any person who shall make use of or have in possession or under control a ferret or fitch contrary to the provisions of this article shall upon conviction be sentenced to pay a fine of twenty-five dollars for each ferret or fitch and costs of prosecution

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

ARTICLE VIII

Property Damage and Safety Regulations

(a) Property Damage Regulations

Section 801 Property Damage Prohibited It is unlawful for any person while hunting or trapping for wild birds or animals of any kind to cause damage or assist in causing damage or injury in any manner whatsoever to either real or personal property of any kind or to leave gates or bars open or to break down destroy or injure fences or to tear down or scatter rail post wood or stone piles or through carelessness or negligence to injure livestock of any kind

The foregoing provision shall not be construed to prevent the removal of a mortally wounded bird or animal from its place or refuge in a rail post wood or stone pile or fence if permission has first been obtained from the owner or person in charge of such property and provided such property is restored to the condition in which it was found

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

(b) General Safety Regulations

Section 805 Hunting Prohibited While Intoxicated or Under Influence of Narcotics It is unlawful to hunt or trap anywhere in this Commonwealth with firearms or with bow and arrow or to enter any of the fields or forests upon any lands or go upon any streams or other waters within or bordering upon this Commonwealth while possessed of a firearm of any kind or a bow and arrow for the purpose of hunting or trapping when intoxicated or under the influence of intoxicating liquor or narcotic drugs

The fact that any person shall be found in possession of a firearm of any description or a bow and arrow useable for the purpose of killing or taking wild birds or wild animals either in the field in the forest on the public highways or on the waters of this Commonwealth while intoxicated or under the influence of intoxicating liquor or narcotic drugs shall be considered "prima facie evidence" that such person is hunting or trapping contrary to the provisions of this section

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 806 Possession of Loaded Firearms and Certain Ammunition Restricted Except as otherwise provided by law it is unlawful for any person to have in his possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in or on any vehicle or conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use or used by the public within this Commonwealth Provided however that between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following any unloaded rifle being lawfully carried in accordance with the foregoing provisions which is capable of discharging a cartridge larger than a .22 calibre long rifle shall be so carried only when in a case or taken apart and securely wrapped but this requirement relative to carrying certain rifles in cases or securely wrapped shall not apply during the period extending from the day before to the second day following any open season for big game

Except during the open season for big game it is unlawful for any person to have in possession in or on any vehicle conveyanve or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use by the public within this Commonwealth between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following any rifle cartridge larger than a .22 calibre long riffe or any shotgun shell containing either a single bullet or pellets larger than a BB unless all such cartridges or shells are carried in unbroken original cartons or securely wrapped

The provisions of this section shall not be construed to apply to a public police officer engaged in the performance of his official duty or to an officer whose duty it is to enforce the game laws and engaged in the performance of his official duty

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 807 Shooting at Game While on Highways It is unlawful for any person to shoot at game while it is on a public highway or a highway open to use or used by the public or knowingly to shoot across a public highway or a highway open to use or used by the public hunting for game unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users thereof

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 808 Prohibiting Shooting in Safety Zones It is unlawful for any person while hunting or trapping for wild birds or wild animals of any kind to shoot or discharge any firearm or other deadly weapon within one hundred and fifty yards of any occupied dwelling house residence or other building or camp occupied by human

beings or any barn stable or other building used in connection therewith without the specific permission of the owner or tenant thereof

Any person who shall violate any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 810 Parties Hunting Small Game Limited During the open season for taking small game it is unlawful for more than five persons to hunt in unison or to cooperate in any manner with each other to hunt for wild animals of any kind other than big game

Each person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of five dollars and costs of prosecution for participating or cooperating in a hunt contrary to the provisions of this section

(c) Controlling Shooting During Big Game Season

Section 815 Certain Shooting During Big Game Season Prohibited It is unlawful for any person during the open season for taking big game to (a) shoot at any mark or target other than legal birds or animals with a firearm of any kind except at a properly constructed target or mark or a dead tree protected by a natural or artificial barrier so that the ball or bullet cannot travel more than fifteen yards beyond the target aimed at after making due allowance for deflection in any direction not to exceed an angle of forty-five degrees which target shooting shall be lawful only when done within two hundred yards of the camp or other headquarters where such person is quartered or is an invited guest or visitor or (b) to discharge any firearm at random in the general direction of any human being or in the general direction of any wild bird or animal for the purpose of routing or frightening the same or (c) to discharge any firearm at random or in any other manner contrary to the provisions of this section

Provided however that the provisions of this section shall not be construed to apply in any manner to the discharge of any firearm for the sole purpose of signalling for aid or assistance while in distress or to the use of rifle or pistol owned ranges leased or maintained by a State or Federal military or police organization or by any regularly organized rifle pistol or shotgun shooting association or club while shoting at a regularly established and properly safeguarded range or to any public shooting exhibition properly safeguarded and conducted under the direction of any organization for the promotion of marksmanship

Each person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution

(d) Sanatorium and Park Protection

Section 820 Sanatorium and Park Protection It is unlawful for any person within this Commonwealth to discharge a firearm of any description except in defense of person or property or at a properly constructed and designated pistol rifle or shotgun range or gallery upon the grounds belonging to or connected with and controlled as a public or private hospital or sanatorium or park or resort set apart to the use fo the public either free or otherwise and upon which human beings congregate in the open in quest of health recreation or pleasure

The boundary of such lands or premises shall be clearly defined by appropriate posters or markers calling attention to the fact that the land within such boundary has been set apart for the specific purpose for which it is intended and that shooting upon said property is prohibited

Provided That no privileges may be granted by those owning or operating such lands to any person to hunt for or shoot at either game birds or game animals upon such property

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

(e) Shooting Human Beings in Mistake

Section 825 Shooting at Human Beings in Mistake It is unlawful for any person while using a firearm of any kind or a bow and arrow to either shoot at wound or kill a human being in mistake for either game or a wild creature of any description provided however that no person shall be held to have violated the provisions of this section who while actually shooting at any game or wild creature shall accidentally shoot in the direction of or injure or kill another person

Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction of such offense shall be sentenced to pay the penalties herein provided

(a) Shooting at Human Beings in Mistake Every person who shall shoot at a human being in mistake in violation of the provisions of this section but who shall not injure the human being shot at shall upon conviction for the first offense be sentenced to pay a fine of not less than one hundred dollars or more than three hundred dollars and in addition to such fine shall be denied the right to hunt or trap in this Commonwealth with or without a license for a period of two years from the date of conviction to be noted upon the record of conviction as part of the sentence

(b) Wounding Human Beings in Mistake Every person who shall in violation of any provision of this section wound but not kill such human being shall upon conviction for the first offense be sentenced to pay a penalty to the party so injured of not less than two hundred dollars nor more than five hundred dollars and shall in addition to such cash penalty be imprisoned in the county jail of the county in which the offense was committed for a period of not less than one year or more than three years and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of five years from the date of such conviction to be noted upon the record of conviction as a part of the sentence

(c) Killing Human Beings in Mistake Every person who shall in violation of any of the provisions of this section kill a human being in mistake shall upon conviction for the first offense be sentenced to pay a penalty to the personal representative of the deceased of not less than five hundred dollars or more than one thousand dollars and shall in addition to such cash penalty imposed suffer imprisonment in the jail of the county in which the offense is committed for a period of not less than two years or more than five years and such person in addition thereto shall be denied the right to hunt or trap anywhere within this Commonwealth with or without a license for a period of ten years after the date of such conviction to be noted upon the record of his conviction as a part of the sentence

(d) Additional Penalties Every person convicted of either or any of the before-mentioned offenses who shall for any reason fail to pay the cash penalty imposed by this section for the specified offenses committed shall for the first offense in addition to any other term of imprisonment imposed by this section undergo an imprisonment of one day in jail for each dollar of penalty imposed Provided that no term of imprisonment suffered in lieu of any cash penalty imposed by this section shall exceed one year

Every person who shall hunt or trap or attempt to hunt or trap with or without a license in this Commonwealth contrary to any sentence imposed for violation of any provision of this section shall upon conviction be sentenced to undergo imprisonment in the county jail of the county in which the conviction is secured for a period of not less than three months or more than six months.

(f) Accident Reports Required

Section 830 Accident Reports Required Every person who shall cause an injury to a human being by gunfire while hunting or trapping or shall have inflicted an injury upon himself with firearms or with bow and arrow while hunting or trapping shall render a report to the commission at Harrisburg on forms provided for that purpose within seventy-two hours after such injury unless such person be physically incapable of making the required report in which event it shall be the duty of the person causing the accident to designate an agent to file the report within the specified time

Any person who shall inflict bodily injury upon another or upon himself while hunting or trapping and who shall fail to submit the report specified within the required time shall upon conviction in a non-fatal accident be sentenced to pay a fine of twenty-five dollars and costs of prosecution and for a fatal accident fifty dollars and costs of prosecution

(g) Assistance Required in Accidents

Section 835 Assistance Required in Accidents It is unlawful for any person who has inflicted injury to a human being by gunfire or with a bow and arrow while hunting or trapping to flee or to fail or refuse to render immediate and full assistance to the person so injured.

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of one hundred dollars and costs of prosecution and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of ten years

(h) Imprisonment Subsequent Offenses

Section 840 Additional Penalties Upon failure of any person convicted of a first offense of any of the provisions of this article to immediately pay the fine imposed and costs of prosecution such person shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense of any of the provisions of this article shall upon conviction be sentenced to pay a fine of twice the amount of the penalty imposed by any section of this article and the costs of prosecution and upon failure to immediately pay the fine and costs so imposed shall be committed to the county jail in the county in which such offense was committed for a period of one day for each dollar of fine and costs imposed and in addition thereto shall be denied the right to hunt anywhere within this Commonwealth with or without a license for such period as the court may direct

ARTICLE IX

State Game Lands Refuges Preserves Etc

(a) State Game Lands

Section 901 Acquisition The commission may acquire title to or control of lands and/or buildings within the Commonwealth or the hunting rights or other rights on lands suitable for the protection propagation and management of wild-life or for public hunting and trapping or administrative purposes or to be used as hereinafter provided by purchase gift lease or otherwise

The commission may also acquire title to lands by condemnation proceedings in the same manner as provided for the condemnation of lands for State Forests

The commission may also purchase tax delinquent lands from the commissioners of the respective counties or from the county treasurers of the respective counties as provided by law

The commission may acquire by purchase or otherwise timber minerals oil gas or other rights outstanding for or on lands which titles have been or are being acquired

The commission may exchange timber which should be cut to improve wild-life conditions or minerals or oil or gas from lands for which title has been acquired for suitable lands having an equal or greater value than the estimated value thereof

Lands for which titles are acquired may be designated State Game Lands or State Game Farms or State Game Propagation Areas depending upon the purpose for which they are to be used Other lands for which the commission secures control or partial control may be given such designation as the commission may decide or as may be agreed to by the owner thereof

The commission may lease or acquire title to lands from which the ownership of minerals oil or gas and the right to mine and drill for or remove the same have been excepted and reserved or from which water rights or timber or other rights have been excepted or reserved provided such exceptions and reservations will not seriously interfere with the purpose for which the property is acquired

All acquisitions of lands shall be made only with the consent of a majority of the commission The president shall represent the commission in the execution of land purchase contracts In the execution of leases and other similar agreements approved by the commission the executive director may represent the commission

The commission may lease or otherwise secure rights of way on and across either publicly-owned or privately-owned lands or water or other rights which may be required to conduct its proper functions

Section 902 Title and Control The title to any lands to be acquired by purchase gift condemnation exchange or otherwise shall be taken in the name of the Commonwealth for use of the Pennsylvania Game Commission

The title records for such lands shall first be carefully searched and examined by the commission through its employes or agents and when satisfied a valid title can be secured a brief of the title shall be submitted to the Attorney General or a deputy attorney general whom he may designate for such review as he may deem necessary and if he considers said title valid he shall approve it and so notify the commission

The deed to any such lands shall be deposited with the Secretary of Internal Affairs

The entire control of all such lands shall be under the direction of the commission

Section 903 Purchase Price No land to be used as State Game Lands shall be purchased at a price exceeding thirty dollars per acre except that the commission may pay what it considers a fair and reasonable price for land with or without buildings required for administrative purposes in connection with State Game Lands or State Game Refuges

For land to be used as State Game Farms the commission may pay what it considers a fair and reasonable price consistent with farm values in the locality in which any such land may be located

For timber minerals oil gas or other rights outstanding for or on lands for which titles have been or are being acquired the commission may pay such prices as it considers fair and reasonable

Buildings for administration management or other purposes with or without land may be purchased or constructed and land may be purchased upon which to construct such buildings at prices which the commission considers fair and reasonable consistent with the purpose for which intended

The commission may expend for lands or buildings or other improvements or for leases during any year such amount as in its opinion can be allotted for such purposes

Section 904 Exchange or Sale The commission may by resolution adopted by unanimous vote at a meeting when at least a majority of the members are present and voting authorize the exchange of any lands for which title has been acquired or part thereof or buildings or other improvements and appurtenances thereto for privately-owned lands or buildings having an equal or greater value and suitable for wild-life purposes when the commission deems such exchange for the best interests of the wild-life of the Commonwealth

Such lands may also be sold to the Department of Forests and Waters of this Commonwealth or to the United States of America for National Forests or may be exchanged with such agencies for State Forests or National Forests when the best interests of the wild-life of the Commonwealth can thus be attained

The necessary deeds or records to consummate such sale or exchange shall be subject to approval of the Attorney General or a deputy attorney general whom he may designate and shall be executed by the president of the commission acting for the Commonwealth The proceeds of any such sale shall be deposited in the Game Fund

Section 905 Fixed Charges Lands or buildings to which title has been taken in the name of the Commonwealth for use of the commission by purchase gift or otherwise

shall be exempt from the payment of all taxes except such fixed charges as apply to and are imposed upon State Forests

Section 906 Use of Lands Lands for which title has been acquired for use of the commission or which have been leased or any part thereof may be used for the purpose of creating and maintaining State Game Refuges and Public Hunting Grounds either or both or for the propagation of game or for game propagation experiments or for special preserves as hereinafter provided and as much thereof as deemed necessary may be used for the administration development and magagement of such lands and the commission may permit its employes or agents to reside thereon

The commission may cut or cut and remove and sell or otherwise dispose of or permit the cutting removing and selling of timber on lands for which title has been acquired

The commission subject to the approval of the Governor may sell or lease minerals or oil or gas on in and under lands for which title has been acquired for its use when such disposition appears to the commission to be for the best interests of the Commonwealth provided however that when the estimated value of such minerals or oil or gas exceeds five hundred dollars the proposed sale or lease shall be advertised at least once a week for three successive weeks in two or more newspapers published in the general locality of the lands in question

The commission may sell or otherwise dispose of less valuable sand clay stone or other minerals or other products from said lands when such sale or disposition will not in the opinion of the commission adversely affect game protection or propagation or public hunting

The commission may grant rights of way or licenses for rights of way for roads pipe lines electric lines telephones lines and telegraph line on and across lands for which title has been acquired for its use when such grants will not in the opinion of the commission adversely affect game protection and propagation and shall charge for such licenses such remuneration and damages as the commission deems the conditions and circumstances warrant

The commission may grant water rights or rights to maintain airway beacon lights or forest fire observation towers on lands acquired for its use when such grants will not adversely affect game protection and propagation and may charge for such licenses such rental and damages as the commission deems the conditions and circumstances warrant

No camp site lease may be issued to any person nor shall over-night camping be permitted on State Game Lands except that such rights may be granted to officers or agents of the commission or the Board of Fish Commissioners or the Department of Forests and Waters or the United States Forest Service or any other governmental agency when necessary for the performance of official duties incident to wild-life or forest preservation

All net proceeds from the sale of timber or the sale or leasing of minerals or of oil or gas or other products or for licenses or other rights granted by the commission shall be deposited in the Game Fund

Section 907 Buildings Other Improvements The commission may purchase erect or otherwise acquire or secure the use of and repair and maintain such buildings or other improvements on lands acquired for its use or under its control as may be deemed necessary for their proper utilization maintenance protection development administration propagation of wild-life experimental activities of any other purpose incident to the commission's functions

The commission may sell or otherwise dispose of buildings or other improvements on lands for which title has been acquired for its use or buildings or other improvements which it erected or purchased or otherwise acquired on lands under its control when such buildings or other improvements are no longer of use to the Commonwealth except that no building valued at five hundred dollars of more shall be sold without appropriate public advertisement The net proceeds of such sale shall be deposited in the Game Fund.

(b) State Game Refuges

Section 915 Authorization The commission may establish and maintain State Game Refuges for the protection and propagation of wild-life on all or any portion of State Game Lands wherein and whereon game animals and game birds and fur-bearing animals shall not be hunted pursued disturbed or molested or killed at any time except by such agents as may be authorized by the commission

The commission may also with and by the consent of the proper authorities locate and maintain such State Game Refuges on State Forests National Forests or other publicly-owned lands within the Commonwealth The commission may also establish and maintain such refuges on privately-owned lands leased for this purpose

Section 916 Boundary Lines The boundary line of each State Game Refuge shall be surrounded by a well-defined fire line road or other clear strip of land and by at last one strand of wire Along the boundary of each such refuge there shall be posted in conspicuous places not more than one hundred and fifty yards apart notices bearing the following "State Game Refuge Hunting Is Unlawful" and such other information or other signs or posters as the commission may deem advisable

(c) Auxiliary State Game Refuges

Section 924 Authorization The commission may establish and maintain Auxiliary State Game Refuges State Game Propagation Areas and Special Preserves of such size as the commission may determine for the protection and propagation of wild-life wherein and whereon game animals game birds fur-bearing animals and predators shall not be hunted pursued disturbed or molested at any time except as may be authorized by the commission on lands suitable for such purpose and may create and maintain public hunting and trapping areas in conjunction therewith

Suitable lands owned or controlled by individuals corporations associations municipalities or by the State or National Government may be used for such purpose subject to permission of the proper authorities or persons owning or controlling the same

The hunting rights for such lands shall by written agreement or lease be vested in the Commonwealth for use of the commission by the owner or owners or persons having legal control and authority to vest such rights or proper governmental agencies for an uninterrupted period of five years or more The commission may authorize and empower the executive director to execute such agreements or leases on behalf of it and the Commonwealth

The executive director on behalf of the commission and the Commonwealth may cancel such an agreement or lease upon sixty days' notice to the lessor when in the judgment of the commission the use of such lands is no longer needed or desired or in case the owner or owners desire to sell such property and such sale cannot be consummated subject to said lease provided the executive director is satisfied the principal object of such sale is not to convert to private use the hunting trapping or fishing rights made more valuable through the use of such property as an Auxiliary State Game Refuge or special preserve or game propagation area

Section 925 Application Whenever the owner or owners or persons having legal control or interested persons or associations desire to have the commission establish one or more Auxiliary State Game Refuges on all or any part or parts of land suitable for the purpose and containing not less than 100 acres they may make application to the commission on forms which shall be provided for that purpose giving the following information

(a) The name and address of the owner or person or agency having legal control and having authority to execute an agreement or lease

(b) The location of the property and the acreage contained in it

(c) A map of the property wherever available

(d) Description of the character of the land and the wild-life thereon

(e) Statement as to whether or not the owner or person in control of the property has agreed to execute an agreement or lease vesting the hunting rights in the Com-

monwealth for use of the commission for a period of five years or more

(f) Statement that the owner or person in control will agree that no hunting or trapping shall be permitted on any part of the property set aside as a refuge or refuges

(g) Whether or not the owner or person in control will agree to permit hunting and trapping by the public on the balance of the property other than safety zones

(h) Whether or not the owner or person in control of the property expects the payment of a rental

(i) And such other information as the commission may require

If upon investigation the commission is satisfied one or more refuge areas should be established on all or any part of such area and if the owner agrees that public hunting and trapping will be permitted except within one hundred and fifty yards of buildings on the remaining portion of the area covered by the agreement it may proceed accordingly

Section 926 Agreement or Lease A written agreement or lease vesting the hunting rights of such property in the Commonwealth for use of the commission may then be prepared and submitted to the proper person or agency for execution and when properly signed it may be executed on behalf of the Commonwealth by the executive director acting for the commission After the agreement or lease is fully executed the commission may declare all or any portions of said property an Auxiliary State Game Refuge or Refuges and the balance if any shall be open to public hunting except within one hundred and fifty yards of buildings

Section 927 Auxiliary Boundary Lines Each Auxiliary State Game Refuge shall be surrounded by a well defined line such as a fence and if a suitable fence or some other suitable marker is not available then at least one strand of wire shall be erected Along the boundary line of each such refuge there shall be posted in conspicuous places not more than one hundred yards apart notices bearing the following "Auxiliary State Game Refuge Hunting is Unlawful" and such other information or such other signs or posters as the commission may deem advisable

(d) Game Propagation Areas Preserves Etc

Section 930 State Game Propagation Areas The commission may declare and set aside any suitable area of land as a State Game Propagation Area wherein certain species of wild-life may be provided an opportunity to breed and propagate under natural conditions and wherein and whereon no wild-life shall be hunted pursued disturbed or molested or killed at any time except as may be authorized by the commission and from which animals and birds may be removed for stocking purposes elsewhere by the commission or its agents Such areas may be managed and developed as the commission considers advisable or necessary for the successful propagation and increase of wild-life The commission may adopt such rules and regulations governing such areas as it deems essential

Such propagating areas may be set up on and within publicly-owned or privately-owned lands within the Commonwealth with the approval of the proper authorities or person or persons owning or controlling same

The boundary lines of each State Game Propagation Area shall be plainly marked and well posted with notices to the public indicating the purpose of such protected area and calling attention that hunting or trapping therein or thereon is unlawful at any time of the year and citing the penalty or penalties for violating its sanctity or any regulations adopted by the commission for its management and protection

It is unlawful for any person to hunt or trap or attempt to hunt or trap or in any manner to disturb or molest any game birds or game animals or other wild-life on any area set aside as a State Game Propagation Area or to enter such areas contrary to the rules and regulations which the commission may adopt

Section 935 Dog Training Preserves The commission may set aside and maintain training preserves under such regulations and restrictions as the commission deems advisable regardless of any other provisions of this act wherein and whereon dogs used especially for hunting of game may be trained or where field trials for such dogs may be conducted

The commission may designate for such purpose for any one preserve not to exceed one thousand acres of State Game Lands or other lands leased or controlled by suitable agreement for such purpose Such area shall be suitably marked and posted by the commission

The commission shall have the right to restrict or permit the hunting and/or shooting of such species of game on a dog training preserve as it may deem advisable and to adopt and put into effect such predator control measures or such other rules and regulations as conditions warrant or require

It is unlawful for any person to hunt or trap or attempt to hunt or trap or in any manner to disturb or molest any game birds or game animals or other wild-life on any area set aside as a dog training preserve contrary to the rules and regulations which the commission may adopt

Section 936 Archery Preserves The commission may set aside and maintain not to exceed two archery preserves wherein and whereon it shall be unlawful to hunt for or take game of any kind by any other means or device than through the use of a bow and arrow The commission may adopt such further rules and regulations governing the taking of game on archery preserves as it deems advisable

The commission may designate for such purpose for any one archery preserve not to exceed one thousand acres of State Game Lands or other lands leased or controlled by suitable agreement for such purpose Such area shall be suitably marked and posted by the commission No one shall hunt on a special archery preserve with bow and arrow without first having secured a hunting license in accordance with the provisions of this act and in addition all such persons shall first obtain a special Archery Preserve Permit from the commission the fee for which is hereby fixed at two dollars Such special Archery Preserve Permits shall be attached to the hunter's license certificate for the current year and shall be countersigned in ink diagonally across its face by the owner before hunting on an archery preserve

It is unlawful for any person to hunt for pursue take or kill or attempt to hunt for pursue take or kill any game birds or game animals on any area set aside as an archery preserve contrary to the provisions of this section or any rules and regulations which the commission may adopt

(e) Regulations Penalties

Section 940 Rules and Regulations The commission is hereby empowered to formulate adopt post and enforce such rules and regulations for the management and government of lands acquired for its use or under its control by lease or agreement or for refuges or State Game Farms or State Game Propagation Areas or special preserves as it may deem necessary or advisable for their proper use and administration or as may be established pursuant to agreement with the Department of Forests and Waters the Board of Fish Commissioners or any Federal authority or with lessors

Such rules and regulations shall be the law of this Commonwealth relative to such lands or refuges or game farms or game propation areas or special preserves and it is unlawful for any person to violate any of the rules and regulations so adopted by the commission A violation of any of the provisions of such rules and regulations shall subject the offender to the penalties hereinafter provided and in addition thereto such person shall pay the penalties hereinafter provided for hunting or trapping or catching or killing or wounding or driving or attempting to hunt trap catch kill wound or drive any birds or animals within such refuges or game farms or game propagation areas or special preserves contrary to the provisions of this article or the rules and regulations adopted by the commission

Section 941 Entry Upon Refuges It is unlawful for any person except by special permission of a duly authorized representative of the commission or as hereinafter in this section provided to enter or go upon a State Game Refuge or an Auxiliary State Game Refuge during any open season for the hunting of game or to enter or go upon such

a refuge at any time of the year with firearms or bows or traps or dogs or to permit a dog or dogs under his control to enter any refuge The commission however is hereby empowered by adopting a suitable regulation under provisions contained in section 940 of this act to prohibit a person or persons from entering or going upon any such refuge or all such refuges at any or all times of the year should it deem such action advisable

In connection with their official duties it is lawful for any member of the commission or any employe or duly appointed agent of the commission or of the Department of Forests and Waters or of the Board of Fish Commissioners or of the United States Forest Service or a State or local police officer to go upon a game refuge or a preserve or a State game propagation area at any time of the year with or without firearms traps or dogs

It is lawful for any person or persons firms companies corporations etc owning mineral oil gas or timber rights on in or under a game refuge or a State game propagation area or their specifically designated agents to go upon such a refuge or propagation area when absolutely essential in connection with their reserved rights thereto

It is lawful for an employe or duly authorized agent of the commission under the direction of the executive director or other administrative officer designated by him to trap and remove game or fur-bearing animals from game refuges or preserves or game propagation areas for stocking purposes elsewhere and to trap or hunt for predatory animals at any time and in any manner approved by the commission or the executive director or an administrative officer designated by him

The commission through the executive director or other administrative officer designated by him may grant a special written permit to persons regularly residing on land upon which one or more Auxiliary State Game Refuges are located which permit may be revoked at any time to have traps dogs firearms or bows and arrows in his or her possession on such a refuge so long as they are not used in hunting or trapping or which dogs are not permitted to chase or disturb game except when taking or destroying predators under special permit or when traps are used in removing game for stocking purposes elsewhere

The commission through the executive director or other administrative officer designated by him may grant written permits to responsible persons to hunt or trap for predators and to use dogs or firearms in connection therewith on game refuges or propagation areas under the commission's control except that such permit shall not be effective during any open season for game

The commission may adopt rules and regulations setting forth the manner in which persons working upon or living within Auxiliary State Game Refuges may be or go upon such refuges at any time

Except as in this article otherwise provided it is unlawful for any person to hunt for or trap or catch or kill or wound or drive or to attempt to hunt for or trap or catch or kill or wound or drive any birds or animals within the limits of a State Game Refuge or an Auxiliary State Game Refuge

Section 942 Protective Measures (a) It is unlawful for any person without the consent of the commission or any of its authorized employes to willfully or maliciously cut bark from or cut down or remove or otherwise injure or destroy a tree or trees or a shrub or shubs or parts thereof growing upon lands acquired for use of the commission or to wilfully negligently or maliciously do or cause to be done any other act to the detriment of such lands or the trees or shrubs growing thereon

(b) It is unlawful for any person or persons without the consent of the commission or any of its authorized employes to kindle fires or for any person or persons to drop lighted matches or cigars or cigarettes or to empty burning tobacco from a pipe on or upon lands acquired for use of the commission or under its control when there is any danger whatever of a forest fire resulting

(c) It is unlawful for any person or persons to remove sand or stone or clay or other minerals or property from lands or waters acquired for the use of the commission except by written permission from the commission or its duly authorized employes

(d) It is unlawful for any person to wilfully negligently or maliciously cut remove cover up deface or otherwise mutilate injure or destroy any placard sign or poster of the commission on any lands acquired for its use or under its control

(e) In addition to such protection as the commission may provide against violation of game fish and forestry laws on and within lands for which the hunting rights have been vested in the Commonwealth for its use the commission's duly authorized officers are hereby empowered to arrest without warrant and to prosecute hunters or trappers caught in the act of destroying or damaging property or injuring farm live-stock on or within such lands

(f) It is unlawful for any person to fish or attempt to fish or to take fish from the waters within the boundaries of any State Game Refuge except from such streams or parts thereof as the commission may declare open to lawful fishing in accordance with the Fish Laws of the Commonvealth or under such provisions or regulations as may be agreed upon with the Board of Fish Commissioners or the Commissioner of Fisheries

(g) It is unlawful for any person to post the commission's State Game Refuge or Auxiliary State Game Propogation Area or other preserve signs or notices on any other lands thna those herein provided

Section 943 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecutions for each offense

(a) For going upon a State Game Refuge or an Auxiliary State Game Refuge or for permitting a dog or dogs to enter any such refuge in violation of any of the provisions of this article twenty-five dollars ($25.00) and in addition thereto such person shall pay the penalty hereinafter prescribed

(b) For going upon a State Game Propagation area or a State Game Farm or any special preserve in violation of any of the provisions of this article or any rules and regulations adopted by the commission relative thereto twenty-five dollars ($25.00) and in addition thereto such persons shall pay the penalty hereinafter prescribed

(c) For violating any of the provisions of paragraph (a) of section 942 of this article twenty-five dollars ($25.00) for each tree or shrub or part thereof or other damage committed and shall pay double the value of each tree or shrub cut down or felled and treble the value in case such tree or shrub is removed from the land where grown as determined or estimated by the Commission's employes

(d) For violating any of the provisions of paragraph (b) of section 942 of this article twenty-five dollars ($25.00) and in addition thereto shall be subject to the provisions and penalties prescribed in the Acts of May 4 1927 P. L. 737 April 3 1929 P. L. 135 and May 22 1933 P. L. 178 or to subsequent acts amending or replacing these acts

(e) For violating any of the provisions of paragraph (c) of section 942 of this article twenty-five dollars ($25.00) and in addition thereto the value of such materials as estimated by the commission's employes

(f) For violating any of the provisions of paragraph (d) of section 942 of this article ten dollars ($10.00)

(g) For violating any of the rules and regulations of the commission adopted in accordance with the provisions of this article twenty-five dollars ($25.00)

(h) Except as otherwise herein provided for hunting or trapping or catching or killing or wounding or driving or molesting or removing or attempting to hunt for or trap or catch or kill or wound or drive or molest or remove any wild birds or wild animals within the limits of a State Game Refuge or an Auxiliary State Game Refuge or a State Game Farm or a State Game Propagation area or a special preserve contrary to the provisions of this article or for violating any of the provisions of this article not hereinbefore specifically provided for

I Each elk two hundred dollars
II Each deer or bear one hundred dollars

III Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars
IV Each raccoon twenty-five dollars
V Each other wild bird or wild animal ten dollars

(i) For resisting an officer of the commission when attempting to arrest a person for violation of any property damage law of this Commonwealth or of any law of this Commonwealth intended to protect farm live-stock or human life for a violation occurring on lands leased by the commission or under its control one hundred dollars ($100.00)

Upon failure of any person convicted of a first offense under the provisions of this article to immediately pay in full the fine imposed and costs of prosecution and any damages assessed he shall be subjected to imprisonment one day for each dollar of fine imposed and costs of prosecution and damages assessed remaining unpaid

Any person convicted of a second or subsequent offense shall be liable to double the fines herein provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

ARTICLE X

Unnaturalized Foreign-Born Residents

Section 1001 Definition of Unnaturalized Foreign-born Residents For the purpose of this article any unnaturalized foreign-born person who shall live or reside within the boundaries of the Commonwealth for ten consecutive days shall be considered an unnaturalized foreign-born resident and shall be liable to the fines imposed for violations of the provisions of this article

Section 1002 Hunting Et Cetera Possession of Firearms or Dogs It is unlawful for any unnaturalized foreign-born resident to hunt for or capture or kill or attempt to capture or kill or aid or assist in the capturing or killing of in any manner any wild bird or wild animal of any description either game or otherwise and to that end it is unlawful for any unnaturalized foreign-born resident to either own or be possessed of a shotgun or rifle or pistol or firearm of any make or kind or a dog of any kind

Any person charged with a violation of any of the provisions of this article shall be required to bear the burden of proof that he is a citizen of the United States

Section 1003 Prima Facie Evidence of Violations The possession of a shotgun or rifle or pistol or firearm of any make or kind or of a dog of any kind by an unnaturalized foreign-born resident shall be prima facie evidence of a violation of the provisions of this article

The presence of a shotgun or rifle or pistol or firearm of any make or kind or of a dog of any kind in a room or house or building or tent or camp of any description occupied or controlled by an unnaturalized foreign-born resident shall be prima facie evidence that such firearm or dog is owned or controlled by the person occupying or controlling the property in which the same is found and shall render such person liable to the fines imposed by this article

Section 1004 Penalties Any person violating the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecutions for each offense

For the capture or killing or aiding in the capturing or killing contrary to the provisions of this article any wild bird or animal

(a) Each elk two hundred dollars and in the discretion of the court six months' imprisonment
(b) Each deer or bear one hundred dollars
(c) Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars
(d) Each raccoon twenty-five dollars
(e) Each other bird or animal ten dollars

For hunting in any manner or for owning or possessing a shotgun or rifle or pistol or firearm contrary to the provisions of this article twenty-five dollars and costs of prosecution

For owning or possessing a dog contrary to the provisions of this article fifteen dollars and costs of prosecution

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second and subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Section 1005 Forefeiture of Firearms and Dogs All shotguns rifles pistols firearms and dogs found in possession or under control of an unnaturalized foreign-born resident shall upon the conviction of any such person or upon his signing an acknowledgement of guilt as hereinafter provided in this act be forfeited to the Commonwealth All such firearms shall be sold by the commission as hereinafter provided All such dogs shall be either killed in a humane manner or disposed of in such manner as the commission may direct

ARTICLE XI

Bounties

Section 1101 Authority to Pay Bounties on Predators Whenever in the opinion of the commission it is desirable or necessary for the better protection of game to pay rewards or bounties for the killing of any predators in any part of or throughout this Commonwealth the said commission is hereby authorized to pay such bounties for the destruction of predators and in such amounts and during such periods as it shall by general rules or regulations prescribe but in no case shall the amount so paid exceed the following bounties for the birds and animals herein enumerated For each Canada or Bay Lynx commonly called bobcat or wildcat fifteen dollars for each fox four dollars for each weasel one dollar and for each goshawk or other predatory bird five dollars

All bounties authorized by said commission shall be paid only upon such conditions as may be prescribed in said regulations and upon such proofs and in such manner as hereinafter provided

Section 1102 Notice of Change in Bounties Before any change in the rate of bounty or other rules and regulations adopted relative thereto shall become effective the commission shall give not less than sixty days advance notice setting forth the effective date of such rates rules and regulations in the Pennsylvania Game News and through such other sources of public information as the commission may deem essential Provided however that until the commission fixes the rate of bounty in the manner herein stipulated bounty payments shall continue in effect in accordance with the provisions of section 1001 of the Act of May 24 1923 Pamphlet Laws 359 as amended

Section 1103 Making Claim for Bounty Any person having killed in a wild state within this Commonwealth any such predator and being desirous of securing the reward or bounty provided for such killing shall produce such slain predator or the entire pelt of any animal and the entire body of any bird before any game protector or deputy game protector or any other person authorized to administer oaths within this Commonwealth and shall make affidavit on forms supplied by the commission that (a) he or some member of his immediate family or household naming such person killed the same (naming it) (b) stating the date of such killing (c) that it was killed in a wild state (d) that the place (naming it) where such animal or bird was killed was within the Commonwealth (e) that such animal or bird was not reared or held in captivity and released and (f) that such person was not responsible directly or indirectly for having such animal or bird imported into the Commonwealth or released

Each officer other than a salaried game protector shall receive a fee of twenty-five cents for each affidavit containing one claim and fifty cents for each affidavit containing more than one claim Game Protector and deputy game protectors are authorized to administer the oath required by this section Deputy game protectors shall supply seals at their own expense

The claimant for bounty shall forward such affidavit and the unmutilated salted or cured skin or pelt of the animal or animals to the director at Harrisburg within

four months from the date of killing and the affidavit and the entire body of any bird shall be forwarded delivered to the director at Harrisburg within forty-eight hours after killing

In no case except for the killing of predatory birds shall a bounty be paid where the whole carcass or body of the raw unsalted or undried skin of an animal is received by the commission

Section 1104 Payment of Bounties Monthly Accounting Upon receipt of such affidavit and skins or pelts in proper form or the entire body of any bird or birds if the director is satisfied that the skins or pelts or birds presented to him are the skins or pelts of animals or birds for the killing of which a bounty is offered and that such claims are in all respects legitimate he shall split the face of the skin from a point between the eyes through the end of the nose and shall as quickly as may be forward the commission's check to the claimant for the amount found to be due and shall if requested return all such skins or pelts at the expense of the game fund to such address within the Commonwealth as the owner may direct No predatory bird presented for bounty shall be returned to the claimant

The director shall at least once a month render an accounting to the Auditor General in such form as he may prescribe of all claims paid giving the name and address of the payee

Section 1105 Unlawful Collection of Bounties Penalties It is unlawful for any person to collect or attempt to collect or to aid conspire or assist in the collection of a bounty through the presentation of a skin or a carcass or any part thereof of any animal or bird upon which no bounty is authorized in accordance with the provisions of this act or through deception of any character or to present for the purpose of collecting a bounty the skin or carcass or any part thereof an animal or bird that has been reared or held in captivity or released or the skin or carcass or any part thereof of any animal or bird captured outside of this Commonwealth or to collect or attempt to collect or to aid conspire or assist in collecting a second bounty for the killing of any animal or bird upon which a bounty has already been paid

Any person who shall wilfully or fraudulently collect or attempt to collect or aid conspire or assist in collecting any bounty to which the claimant or any other person is not legally entitled under the provisions of this act or shall aid abet or assist in any capacity officially or otherwise in any attempt to defraud the Commonwealth through the collection or payment of any reward or bounty shall be guilty of perjury and punishable as a misdemeanor where a false affidavit is made and in addition thereto upon conviction in a summary proceeding or upon signing an acknowledgement of the offense committed shall be sentenced to pay to the Commonwealth for the use of the game fund a fine of one hundred dollars and costs of prosecution and in default of the payment of the fine and costs so imposed shall suffer imprisonment in the jail of the county in which the affidavit is made for a period of one day for each dollar of costs and fine imposed and unpaid

Any person who shall collect a bounty to which such person is not legally entitled under the provisions of this act shall in addition to the fines herein imposed be required to refund to the commission such amounts as shall have been unlawfully collected

All skins of animals or parts thereof or the bodies of any birds or parts thereof presented for bounty in a false claim for which no bounty is provided or otherwise contrary to the provisions of this act are hereby declared forfeited to the Commonwealth and shall be disposed of by the director

ARTICLE XII

Enforcement Of Acts Procedure Penalties

Section 1201 Jurisdiction Except in cases where the offense is designated a misdemeanor or a felony each magistrate alderman and justice of the peace shall have the power of summary conviction in matters pertaining to violations of any of the provisions of this act

Section 1202 Procedure All summary proceedings under the provisions of this act shall be commenced by affidavit made within two years after the date of any violation

Any magistrate alderman or justice of the peace on complaint made before him by affidavit charging any person with having violated any of the provisions of this act or any of the rules and regulations issued by the commission pursuant to this act shall issue his warrant under his hand and seal directed to any constable police officer game protector or any officer whose duty it is to enforce the game laws of this Commonwealth and cause such person to be brought before him

When any person is arrested without warrant the officer making the arrest shall immediately except on Sunday take such person before a magistrate alderman or justice of the peace and make complaint by affidavit

The magistrate alderman or justice of the peace or the court in case of appeal shall in all cases hear the evidence and determine the guilt or innocence of the person accused If such person is convicted of the offense charged and if the magistrate alderman or justice of the peace or the court on appeal shall also find that any bird or animal or part thereof or of any firearm trap dog boat conveyance vehicle or its attachments or any device implement or appliance the use of which is expressly forbidden by this act and found in possession of the defendant is unlawfully possessed and liable to forfeiture to the Commonwealth the defendant shall be sentenced to forfeit to the Commonwealth such bird or animal or part thereof or such of the before-mentioned unlawful articles and equipment as shall have been found to be unlawfully used or unlawfully in his possession and also to pay the full fine prescribed by this act for such violation together with costs of prosecution and in default of the payment of such fine and costs shall be sentenced to imprisonment one day for each dollar of fine and costs so imposed and shall also be sentenced to forfeit to the Commonwealth such property implements devices or any bird or animal for the use of or disposal by the commission

Section 1203 Acknowledgment of Guilt Any person charged with violating any provisions of this act may sign an acknowledgement of the offense committed either before or after the beginning of suit and pay to any duly appointed and commissioned game protector or deputy game protector the fine provided by this act together with costs accruing to that date and surrender to the Commonwealth any bird or animal or part thereof or any article implement device or equipment the use of which is expressly forbidden by this act unlawfully taken or possessed Such person shall receive a printed receipt therefor which shall bear the imprint of the seal of the commission and the signature of its executive director which shall be evidence of full satisfaction of the offense committed

Section 1204 Without Warrant Seizure of Certain Property and Game Any officer whose duty it is to enforce the game laws of the Commonwealth may arrest without warrant any person caught in the act of violating any of the laws relating to game or other wild birds or wild animals or in pursuit immediately following any such violation He may seize all guns shooting or hunting paraphernalia traps dog boats automotive equipment or any unlawful device implement or other appliance used in violation of any such laws or which he may find in the execution of a search warrant and may seize all birds or animals found either on the possession or under the control of the suspected person

Section 1205 Arrests on Sunday Any officer whose duty it is to enforce the game laws of the Commonwealth may arrest on Sunday without warrant any person caught or found in the act of violating any of the laws relating to game or other wild birds or wild animals or in pursuit immediately following such violations and in such cases the person arrested may be committed by the officer making the arrest to the jail or lockup for safekeeping for that day unless such person deposits with the officer making the arrest in trust a sum of money equivalent to the amount of fine imposed for the violation committed Such person shall be taken before a proper magistrate alderman or justice of the peace and be proceeded against on the week day following the arrest

Section 1206 Search Warrants Whenever any individual

makes any complaint in writing before any magistrate alderman or justice of the peace supported by his oath or affirmation and subscribed to by him alleging that there is probably cause to believe and that he has just and reasonable grounds for believing and does believe that certain birds or animals have been caught taken killed possessed shipped or are about to be shipped or that a firearm or dog is concealed by an unnaturalized foreign-born resident contrary to the provisions of this act and describing as nearly as may be the things to be searched for and the place or places to be searched shall issue a search warrant and cause search to be made

Section 1207 Penalty for Resisting Arrest Any person who by force menace threat or in any manner resists inspection or arrest for violation of any of the provisions of this act or refuses to go with an officer after an arrest has been made or interferes with any officer of the Commonwealth in the performance of his duty under the provisions of this act shall upon conviction be sentenced to pay a fine of one hundred dollars and cost of prosecution and in default of the payment of such fine and costs shall be imprisoned one day for each dollar of fine and costs

Section 1208 Refusal to Assist Officers Any person who refuses upon request to assist any officer whose duty it is to enforce the provisions of this act shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution and in default of the payment of such fines and costs shall be imprisoned for ten days

Section 1209 Investigations by Officers Etc Any officer investigating any violation of the game laws is hereby authorized to administer oaths relative to such matter and where birds or animals of any kind or any firearm device implement or equipment the use of which is expressly forbidden by this act no matter where found are found in possession or under control of an individual or hunting party the person or persons in charge or in possession or control of such birds or animals or any of the devices or equipment herein named shall answer satisfactorily immediately under oath if required such questions relating to the taking or ownership or possession of same as may be considered necessary by the officer investigating and in every case where such person or persons in charge or in possession or in control of such birds or animals or any of the devices or equipment herein named refuse to so answer such question the birds or animals or any of the devices or equipment herein named thus found are hereby declared forfeited to the Commonwealth and such officer is directed to take charge of and dispose of same as provided by this act

Section 1210 Review of Proceedings by Court of Quarter Sessions Any person convicted of violating any of the provisions of this act may enter into good and sufficient recognizance to pay the fine imposed and costs within a period of ten day after the date of his conviction or may certiorari or appeal the proceedings within five days after such conviction to the court of quarter sessions of the county in which convicted Any prosecutor dissatisfied with the finding of any magistrate alderman or justice of the peace may in like manner appeal to said court within said period All such appeals shall be only on allowance of the court of quarter sessions or a judge thereof on cause shown and shall be determined by the court of quarter sessions without a jury

Section 1211 Fines to be Forwarded to Director All fines recovered in cases where the prosecutor is a salaried officer of the Commonwealth shall be immediatly surrendered by the court receiving the same to the prosecutor who in turn shall forward or deliver such fines and penalties to the director within fifteen days

Where any officer of the Commonwealth other than a salaried officer is the prosecutor the fines and penalties shall as soon as the case is fully determined before him be forwarded by such magistrate alderman or justice of the peace to the director at Harrisburg together with a statement of the cause for which such fines were collected the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution

All fines received by the director shall be paid into the State Treasury by and through the Department of Revenue for the use of the game fund

Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate alderman or justice of the peace imposing or receiving the same to the director upon forms furnished by the Department of Revenue such reports shall be made monthly not later than the tenth day of the following month

Any magistrate alderman or justice of the peace who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of one hundred dollars ($100.00) and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 1212 Return of Fees Fines or other Moneys Erroneously Paid Into Treasury Whenever the commission is satisfied that any fee fine or any other moneys paid into the State Treasury under any of the provisions of this act were erroneously collected and deposited the commission within twelve months after such deposit may by resolution authorize the director to draw a requisition upon the game fund for the amount involved Upon receipt of such requisition and an extract of the minutes of the commission the Auditor General shall draw his warrant upon the State Treasurer in favor of the person from whom such fee fine or other money was erroneously collected

Section 1213 When Certain Convictions to be Deemed Second Convictions Any person convicted or pleading guilty or signing an acknowledgement of guilt under the provisions of this act who prior thereto was convicted or plead guilty or signed an acknowledgment of guilt for violating any of the game laws then in force shall be sentenced under this act and be denied by the commission or by this act the right to hunt anywhere with or without a hunter's license in the same manner as if such person had been convicted of a second offense against this act

Section 1214 Disposition of Seized Birds and Animals All wild birds and wild animals or part thereof found in the possession of any person not legally taken and seized under the provisions of this act or killed as a protection to property except as hereinbefore provided shall be forfeited to the Commonwealth for the use of the commission

All dead game so forfeited shall be forwarded or delivered immediately to the most convenient charitable institution or other charitable agency designated by the director

All live game and all other wild birds and animals or parts thereof not classed as game so seized shall be disposed of by the director

Section 1215 Disposition of Seized Property When Defendant Convicted When a defendant is convicted of violating any of the laws relating to game or other wild birds or wild animals and pays the fine and costs imposed all guns traps boats dogs and other shooting or hunting paraphernalia vehicles or conveyances or any device implement or appliance seized in connection with his arrest shall if the use of the same is not forbidden by this act be returned to the defendant except in the case of the conviction of any unnaturalized foreign-born person and in case the fine and costs are not so paid in full all property other than illegal devices so seized shall be sold at public auction in such manner and subject to such conditions as the director shall direct The cost of any such sale shall be part of the costs of prosecution Any fund arising from any such sale shall be applied first to the cost of the sale second to the payment of costs of prosecution and third to the payment of the fine imposed The remainder if any shall be returned to the owner of the property thus seized The defendant shall be entitled for the first offense ony to the credit of one day off his imprisonment for each dollar applied toward the payment of his fine

Property seized the use of which is forbidden by this act or firearm so seized which is unfit or unsafe for further use shall be forfeited to the Commonwealth and be dis-

posed of by the director Firearms which are unfit or unsafe for further use shall be permanently destroyed

Any motor vehicle and its attachments or any motor trailer and its attachments seized and forfeited to the Commonwealth in accordance with the provisions of this act shall be advertised in a newspaper of general circulation published in the county once a week for two consecutive weeks after which it may be sold at public auction in such manner and subject to such conditions as the director shall authorize

Section 1216 Disposition of Seized Property When Owner Escapes Arrest All guns traps dogs boats vehicles or conveyances or any device implement or appliance and other shooting or hunting paraphernalia, seized under the provisions of this act where the owner thereof escapes arrest and refuses to present himself and make claim to the property shall be held for a period of ten days after which time such property shall be sold in a manner prescribed for the sale of property seized where the defendant is convicted The fund arising from such sale shall be applied first to the payment of the costs of the sale second to any cost of prosecution accrued and the remainder thereof shall be forfeited to the commission

Sectin 1217 Liability for Costs Not Paid By Defendant Whenever any officer whose duty it is to enforce the laws of this State protecting game fur-bearing animals and protected birds shall in good faith bring suit for any violation of such laws and for any legal cause shall fail to recover the costs of record to which he is legally entitled such costs shall be a charge upon the proper county and shall be audited and paid as are costs of like character in said county

ARTICLE XIII

Deer Proof Fences Damage By Bears

(a) Deer Proof Fences

Section 1301 Authority to Provide Deer-Proof Fences In sections of the Commonwealth where wild deer are present in excessive numbers on lands open to public hunting and are in a material way injuring or destroying farm crops fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale the owners or lessee of such farm fruit orchards or commercial tree nurseries may make application to the commission for assistance in the erection of a deer-proof fence whereupon said commission through its representatives shall investigate the conditions prevailing on such property and adjacent territory If the investigation discloses the need of protection from deer such as would be provided by fencing the commission may enter into a written agreement with the applicant and such others in the vicinity similarly affected as in the opinion of the commission may require like protection for the erection of a deer-proof fence of such height design materials and type of construction as the commission may specify The provisions of this section shall not be construed to apply to gardens or truck patches except where produce is raised for market on a commercial basis

The commission may purchase and deliver to the applicant or applicants at the nearest shipping point the required amount of woven wire fencing of the design and height approved by it and the required quantity of staples provided the applicant or applicants have agreed in the said written agreement to furnish all posts needed to construct said fence and all gates he or they desire to erect and to construct said fence without cost to the commission within six (6) months from the day the fencing and staples arrive at the point to which they were directed shipped or delivered

In case the said fence is not completed within the stipulated time the commission through its representatives may recover the materials it furnished at such time and in such manner as desired or found practical

All such fences after erection shall be maintained by the individuals interested and the commission shall bear no part of such future maintenance Replacement of such fences when worn out may be on the same basis as the erection of the original fence the commission to decide when such replacement fence shall be necessary

Section 1302 Amount Available for Deer-Proof Fences Not to exceed ten thousand dollars ($10,000) annually may be expended by the commission from the Game Fund for the purchase of woven wire fencing and staples for the erection of deer-proof fences in accordance with the provisions of this article

(b) Damage by Bears

Section 1303 Authority of Pay Bear Damage Claims The commission may pay for any damage done to livestock or poultry or for protection to or damage done to bees by bears upon lands open to public hunting if all such damages are reported to the nearest regular salaried officer of the commission within forty-eight hours and such claims are presented in writing under oath to the director at Harrisburg within ten days from the time such damage is alleged to have been incurred No claim for damage to bees or their hives shall be paid where such hives are located more than three hundred yards from the residence of the owner or from the residence of the owner or from the residence of his employe or other agent in charge thereof

The director as soon as possible after such complaint is received shall detail two regular employes of the commission to interview the claimant to inspect the property reported as injured if not previously inspected to collect such additional evidence as to them may appear necessary and to effect a settlement of the claim when possible The representatives of the commission shall have authority immediately to seize any property offered in evidence to support such claim which shall be returned to the owner upon satisfaction of the claim

In all cases where an agreement between such employes and the claimant is reached regarding the true value of damage sustained and the director is satisfied that such claim is reasonable and fair a voucher shall be drawn upon the game fund in the amount named in such finding Where such employes and the claimant cannot agree upon the amount of damage the director shall proceed as hereinafter provided

Section 1304 Amount Available for Bear Damages Not to exceed three thousand dollars ($3,000.00) annually may be expended by the commission from the game fund for the payment of such bear damage protection or bear damage claims filed and adjusted in accordance with the provisions of this article

(c) Adjustment of Disputes

Section 1305 Adjustment of Disputed Claims If the commission or its employes and the applicant or applicants or adjacent land-owners are unable to agree upon the necessity for a deer proof-fence or fences or the amount of continuous fence necessary or the location thereof or the commission or its employes and the claimants for damage sustained by bears are unable to agree upon the amount of such damage or the cause thereof the director or a representative designated by him may select a board of viewers from the county in which the application for deer-proof fence or the claim for damage by bears originates

Said board of viewers shall consist of three disinterested and reputable citizens one of whom shall be a farmer one a sportsman and the third a business man from any walk of life who together shall make an impartial examination of the premises and hear such evidence under oath as may be submitted whereupon they shall decide upon and report to the commission the results of their deliberations concerning the question involved

If either the applicant or applicants or the claimant or the commission shall be dissatisfied with the finding of the board of viewers so appointed a petition may be presented to the court of quarter sessions of the county wherein said relief is desired or bear damage claim originates which court shall select a similar board of viewers Such second board of viewers shall disregard all findings or reports made by the first board and shall carefully examine into the questions involved and make a sworn report to said court with a copy to the commission and a copy to a designated representative of the applicants or claimants The findings of the second board

of viewers shall be final and binding upon all parties concerned

Section 1306 Oath Required Compensation of Viewers and Witnesses Viewers appointed under the provisions of this article and all witnesses examined by them shall be sworn by a person authorized to administer oaths or by the executive director or a representative appointed by him who is hereby empowered to administer oaths to both viewers and witnesses Such oath shall in all ways be binding and of like effect as oaths administered in any court of this Commonwealth The viewers so appointed and witnesses examined by them shall be paid by the commission from funds hereinbefore designated for services and expenses at the same rate as jurors and witnesses in the courts of quarter sessions are now compensated

(d) False Claims for Damages

Section 1307 Penalty for Filing False Claims for Bear Damage It is unlawful for any person knowingly to file a claim for damage alleged to have been done by bears which was committed by the claimant's own dogs or by dogs or other domestic animals harbored on the premises or by dogs belonging to a neighbor or for any livestock which died from other causes or for property otherwise damaged or destroyed in an attempt to collect damages under the provisions of this article

Any person who shall attempt to collect a claim for damage by bears contrary to the provisions of this section shall upon conviction be sentenced to pay a fine of fifty dollars and costs of prosecution and upon failure to pay the fine so imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine and costs of prosecution

ARTICLE XIV

Game Fund

Section 1401 Continuance of Game Fund Appropriation All license fees fines permit fees and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as the Game Fund or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced or (c) that may be paid into the State Treasury under the provisions of this act shall be placed in the separate fund known as "The Game Fund" and shall be held separately and apart solely for the following purposes

(a) For the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and non-resident hunter's licenses and license tags

(b) For the payment of the traveling and other necessary expenses of the members of the commission and the salaries wages or other compensation and traveling and other necessary expenses of the executive director and of such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers game protectors and other field officers and employes laborers and such other assistants and employes as may be required for the proper conduct of the work of the commission and of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the commission or for handling any legal business pertaining to its work

(c) For wild bird game and fur-bearing animal protection and propagation

(d) For the acquisition by purchase lease or otherwise and establishment of State Game Farms and other areas for the propagation and production of game for stocking purposes and all expenditures incident to the development maintenance management operation and administration thereof

(e) For the purchase of game and fur-bearing animals for propagation and stocking purposes

(f) For feeding game and wild birds

(g) For the acquisition of lands or hunting rights by purchase lease or otherwise the creation of game refuges and public hunting grounds the maintenance development management and administration of lands refuges and public hunting grounds and special preserves and for the purchase of timber minerals oil gas or other outstanding rights on lands for which titles have been or are being acquired or water rights on adjoining lands for administrative or management purposes whenever the commission deems such purchase desirable

(h) For the purchase of other lands and buildings and for the erection maintenance and repair of buildings

(i) For the purchase of such furniture furnishings stationery supplies materials fuel motor vehicles tractors trucks boats horses and other equipment as may be necessary for the conduct of the work of the commission and for the maintenance of equipment and for the payment of premiums on bonds for such officers or employes of the commission as may be required also to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and the person operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the commission

(j) For the control of predators and the payment of bounties and expenses in connection therewith or to encourage the killing of predators so long as the sum expended for such prizes or medals does not exceed ten thousand dollars during any one fiscal year

(k) For the payment of professional and laboratory fees and other expenses incident to the scientific investigation of wild-life problems

(l) For the purpose of entering into cooperative agreements with Pennsylvania State College and State Federal or other agencies to promote wild-life research and to train men for wild-life management

(m) For the payment of any expenses incident to cooperative agreements with Federal or State agencies Pennsylvania State College or other organizations or individuals for the development and maintenance of wild-life management and demonstration or experimental projects

(n) For the construction and maintenance of buildings and for salaries equipment and supplies incident to the operation and maintenance of the commission's training school for field offcers and the commission may also expend funds to train additional students for similar work in other State departments or from conservation departments of other states if at the end of the school term the pro rata cost of such additional students is refunded to the game fund

(o) For the payment of commissions or fees in such amount as shall be fixed by the commission to duly appointed agents for receiving subscriptions to the Pennsylvania Game News which commissions or fees shall be deducted from the remittances for subscriptions received

(p) For the payment of all or any part of the cost of any printing lithographing color process work posters notices tags badges buttons and such other like materials as in the opinion of the commission may be necessary to its work

(q) For the refund of fees fines or other moneys erroneously collected and deposited

(r) For the payment of rentals of offices grounds buildings or other quarters leased for the commission by the Department of Property and Supplies and for telegrams and telephone rentals and toll charges and rentals on leased office or other devices

(s) For the purchase of deer-proof fencing to protect farm and orchard crops

(t) For the payment of bear damage claims

(u) For the payment of any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the commission including the actual cost of moving household effects of employes in the service when ordered by the commission to change their headquarters and place of residence to a point more than ten miles distant from the former headquarters

(v) The sum of not less than seventy-five cents from each resident hunter's license fee and all net revenues derived from State game lands and refuges shall be used exclusively for the creation acquisition by purchase lease or otherwise and the maintenance development management and administration of the commission's system of State game lands public hunting grounds refuges and auxiliary refuges for the purchase of outstanding timber minerals oil gas or other rights on lands for which titles have been or are being obtained or water rights on adjoining lands for administrative or management purposes whenever the commission deems such acquisition desirable for the stocking and feeding of game on State game lands refuges auxiliary refuges and public hunting grounds maintained in connection therewith and for all other expenditures made by or in behalf of its Bureau of Refuges and Lands incident to the foregoing purposes including a proper pro rata share of all expenditures necessary to cover general administrative functions of the department in connection therewith At the beginning of each fiscal year the commission shall allocate funds for the above purposes on the basis of previously unobligated and prospective revenues and the proposed expenditures during the next fiscal year for the purpose stipulated in this paragraph If at the end of any fiscal year there shall remain an unobligated or unexpended balance in said special fund the commission may allocate such balance to the purchase or propagation in a wild state of additional game for stocking purposes

(w) The commission shall have the right to acquire title to or control of lands and buildings by purchase lease gift or otherwise direct from the owners or persons having legal control thereof as in this act hereinbefore provided without submission to or approval by the Department of Property and Supplies The commission may also purchase direct without prior confirmation of the Department of Property and Supplies all game and game food for its game farms and elsewhere as needed in any amount The commission also may without prior confirmation of the Department of Property and Supplies make direct field purchases of materials supplies and equipment for the maintenance and development of its system of refuges hunting grounds game farms game propagation areas and buildings and repairs thereon and for other field activities at the most advantageous prices available in amounts not to exceed one hundred dollars in a single purchase In the purchase of all other supplies equipment printing and other purchases necessary for the conduct of the work of the commission such purchases shall be made through the Department of Property and Supplies as purchasing agent

(x) All such moneys placed in the Game Fund under the provisions of this section are hereby made available immediately and are hereby specifically appropriated to the commission for the purposes herein specified

(y) Estimates of the amounts to be expended under this act from time to time by the Pennsylvania Game Commission shall be submitted to the Governor for his approval or disapproval and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Pennsylvania Game Commission in excess of the estimates approved by the Governor Subject to the foregoing provision the moneys appropriated by this act shall be paid out of the Game Fund upon warrant of the Auditor General drawn after requisition by the Pennsylvania Game Commission or as authorized by law by other departments

Section 1402 Money to be Paid upon Requisition of Director The money in the Game Fund shall be paid for the purposes stipulated in this act upon requisition of the executive director in the manner provided by law

The Auditor General shall also upon requisition from time to time of the executive director and the proper accounting for moneys previously advanced from the fund draw his warrant upon the State Treasurer for the amount specified in such requisition for the payment of bounties not exceeding however the amount approved by the Commission

ARTICLE XV

Act of Assembly Repealed Saving Clause

Section 1501 Repeals The following acts and parts of acts of Assembly are hereby repealed as respectively indicated

I An act entitled "An Act to prohibit the use of firearms of any description upon lands set apart to hospital or sanatorium or park or resort uses whereon human beings congregate in the open in quest of health recreation or pleasure in this Commonwealth and providing penalties for violation of its several provisions" approved the sixth day of June one thousand nine hundred and thirteen (Pamphlet Laws four hundred fifty-four) absolutely

II An act entitled "An Act for the protection of human life live stock and growing timber by prohibiting the discharge of certain guns except at birds and animals or at targets properly protected and providing penalties" approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred and forty-seven) absolutely

III An act entitled "An Act giving additional protection to human beings in this Commonwealth and imposing penalties upon those who may shoot at or wound or kill a human being in mistake for either game or other wild creatures" approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred and sixty-eight) absolutely

IV An act entitled "An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred and fifty-nine) absolutely

V An act entitled "An Act providing a method through which the Commonwealth may cooperate with individuals i. building fences to protect farm crops and fruit orchards against damage from wild deer and making an appropriation" approved the second day of June one thousand nine hundred and twenty-three (Pamphlet Laws four hundred and eighty-nine) absolutely

VI An act entitled "An Act providing for the payment of certain claims for damages done to live stock poultry or bees by bear providing a method for the ascertainment of such damage and making an appropriation" approved the second day of June one thousand nine hundred and twenty-three (Pamphlet Laws four hundred and ninety-two) absolutely

VII An act entitled "An Act to protect the public safety by prohibiting the discharge of firearms or other weapons within one hundred and fifty yards of any dwelling house or residence while hunting or trapping for wild birds or wild animals of any kind without the consent of the owner or tenant thereof and prohibiting the destruction and abuse of certain property by persons while hunting or trapping" approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred and seventy-two) absolutely

VIII An act entitled "An Act relating to the keeping of animals wild by nature in captivity upon any street or highway or upon land adjoining any street or highway or in vicinity of any commercial establishment for the evident purpose of attracting trade preventing cruel improper and inhuman treatment of such animals and protecting the public from injuries thereby providing for the granting of permits for roadside menageries as herein defined conferring powers and imposing duties on the Board of Game Commissioners and prescribing penalties" approved the eighteenth day of June one thousand nine hundred and thirty-six (Act Number 8) absolutely

All other acts or parts of acts inconsistent herewith are hereby repealed Provided however This act shall not repeal or in any manner affect any of the provisions of an act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred and twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported

for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" or any of its amendments

Section 1502 Saving Clause The repeal of any of the aforesaid acts of Assembly shall not affect any prosecution pending at the date of the passage of this act nor prevent the institution of any prosecutions for violations of any of the provisions of the aforesaid acts or regulations adopted thereunder which were committed prior to the passage of this act but all such pending prosecutions shall be terminated and all such violations shall be prosecuted in the same manner and under the same authority and with like effect as prior to the passage of this act

Section 1503 Effective Date This shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1768, entitled:

An Act providing that physicians' fees for examinations shall be taxable as costs in certain prosecutions and be paid by the county with certain exceptions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1787, as follows:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on Judges and other officers of every Court of Record

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the effective date of this act the Supreme Court of Pennsylvania shall have the power to prescribe by general rule the forms of actions process writs pleadings and motions and the practice and procedure in civil actions at Law and in Equity for the Courts of Common Pleas of every County for the County Court of Allegheny County and for such other courts having jurisdiction in civil actions as the General Assembly shall hereafter establish provided that such rules shall be consistent with the Constitution of this Commonwealth and shall neither abridge enlarge nor modify the substantive rights of any litigant nor the jurisdiction of any of the said courts The provisions of this section shall not apply to the Courts of Oyer and Terminer Courts of Quarter Sessions and the Orphans Courts of this Commonwealth and the practice and procedure in said courts shall remain and continue as prescribed by existing law At the time of the adoption promulgation and publication of its general rules the Supreme Court shall fix the effective date thereof which shall not be less than six months from the date of the adoption thereof

From and after the effective date all prior and existing acts or parts of acts relating to practice and procedure in such courts and inconsistent with the general rules of the Supreme Court hereinabove provided for shall be deemed to have been repealed by this act and shall thereafter be of no further force and effect

Section 2 Each of the Courts of Common Pleas the County Court of Allegheny County and the other courts established by the General Assembly may adopt additional local rules for the conduct of its business which shall not be inconsistent with or in conflict with said general rules prescribed by the Supreme Court of Pennsylvania

Section 3 The Supreme Court of Pennsylvania is hereby authorized and empowered to appoint a Procedural Rules Committee the members of which shall have been admitted to practice before the Supreme Court of Pennsylvania which shall assist the Supreme Court of Pennsylvania in preparation revision promulgation publication and administration of the said general rules

Section 4 It shall be the duty of the Judges clerks prothonotaries and other officers of the several Courts of Record in this Commonwealth to furnish to the Supreme Court of Pennsylvania or to the said Procedural Rules Committee such statistics and information as may be reasonably requested concerning the administration of justice in civil actions in said courts In the event of the failure of any Judge clerk prothonotary or other officer of said Courts to comply with the requirements of this Section the Supreme Court of Pennsylvania may after hearing impose the penalties hereinafter provided

Section 5 For the purpose of expediting any business of the Courts of Record in this Commonwealth whether civil or criminal which is not otherwise specifically regulated by any of the general rules hereinabove provided for and for the purpose of facilitating a speedy and proper administration of justice the Supreme Court of Pennsylvania shall have the power to prescribe additional rules for the conduct of such business of any Court of Record within this Commonwealth

Section 6 All acts or parts of acts inconsistent with this act are hereby repealed

Section 7 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 8 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 2, section 1, line 17 by inserting after the word "courts" the following "nor affect any statute of limitations"

Amend page 2, section 1, line 25 by continuing after the word 'thereof" the following "As soon as promulgated a copy of all rules shall be sent to the Prothonotaries or clerks of all courts which may be affected thereby and shall be published by such Prothonotaries or clerks in the same manner as local rules adopted by such courts"

Amend page 3, section 2, by striking out lines 1 to 6 inclusive, and insert in lieu thereof "From and after the effective date of any rules promulgated under this act and so long as said rule shall be operative the operation of any act of assembly relating to practice or procedure in such courts and inconsistent with such rule shall be suspended insofar as such act may be inconsistent with such rule"

Amend page 4, section 5, line 9 by inserting after the word "additional" the following "general"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Cohen.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Cohen, permit himself to be interrogated?

Mr. REUBEN E. COHEN. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, will the gentleman from Philadelphia explain the amendment on page 3, section 2 which is to strike out lines 1 to 6 inclusive and inserting in lieu thereof: "From and after the effective date of any rule promulgated under this act and so long as said rule shall be operative the operation of any act of assembly relating to practice or procedure in such courts and inconsistent with such rule shall be suspended in so far as such act may be inconsistent with such rule."

Does the gentleman from Philadelphia think that we can pass an act that would say that a rule made by a court shall suspend a provision of an act of the legislature where the act of the legislature becomes inconsistent with the rule?

Mr. REUBEN E. COHEN. Mr. Speaker, the purpose of the amendment is only to make such acts of the assembly which may be inconsistent with the rules of the court inoperative. It does not intend to put in effect an act of the assembly which may be inconsistent or contrary to a rule of the Supreme Court.

Mr. TURNER. Mr. Speaker, this does not say anything about previous acts. This says "from and after the effective

date of any rule promulgated under this act and so long as said rule shall be operative, the operation of any act of assembly relating to practice or procedure in such courts and inconsistent with such rule shall be suspended in so far as such act may be inconsistent with such rule." In the first place I don't see how the gentleman from Philadelphia can feel that that would stand. In the second place that is just giving an opening—well it is just giving a blank ticket to the Supreme Court to establish any procedure that they may desire.

Mr. REUBEN E. COHEN. It is not the intention of the sponsor of the bill, Mr. Speaker, to give the Supreme Court any power that it should not have. We frankly feel that the Supreme Court as presently constituted will not overstep the proper bounds. If the gentleman insists upon it I am perfectly willing to withdraw that amendment.

Mr. TURNER. I have not read the other amendments, but I think that this amendment, if I catch the purpose of it, should be withdrawn.

Mr. REUBEN E. COHEN. Mr. Speaker, I don't mean to question the sincerity of the gentleman from Delaware, and I ask permission to withdraw the amendment on page 3, which amends the bill, "by striking out lines 1 to 6 inclusive, and insert in lieu thereof, 'From and after the effective date of any rule promulgated under this act and so long as said rule shall be operative, the operation of any act of assembly relating to practice or procedure in such courts and inconsistent with such rule shall be suspended in so far as such act may be inconsistent with such rule'."

The SPEAKER. The amendment to section 3 are withdrawn.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

The Clerk of the Senate being introducted, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), that House Bill No. 369, Printer's No. 509, entitled "An act to amend section one of article 15 of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled 'An act for the government of cities of the second class' as amended by reducing the number of newspapers for official advertising", be recalled from the Governor for further consideration.

The Clerk of the Senate being introducted, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), that House Bill No. 1129, Printer's No. 514, entitled "An act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties", be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introducted, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 11, 1937.

Resolved (if the Senate concur), that House Bill No. 1712, Printer's No. 602, entitled "An act to the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws 198) entitled 'An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof' increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district", be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), that House Bill No. 1779, Printer's No. 795, entitled "An act to amend Section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania", be recalled from the Governor for the purpose of amendment.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1692.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 794.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 794, entitled:

An Act to amend sections one and two as amended and section four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (P. L. 112) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed

by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties

And has appointed Messrs. Sones, Shapiro and Wolfenden a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1161.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1161, entitled:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting monies payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers

And has appointed Messrs. Kunkle, Rankin and Buckman a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1071.

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation

HOUSE BILL No. 1562.

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State Highways

HOUSE BILL No. 1642.

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

HOUSE BILL No. 1560.

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctions in certain cases

HOUSE BILL No. 1733.

An Act to amend section four hundred six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating depositories of funds of counties of the second class

HOUSE BILL No. 1802.

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made

HOUSE BILL No. 2055.

An Act authorizing any county of the second class and any city in any such county in which the county seat is within the limits of such city to agree upon the joint management and control of any or all city hospitals and institutions and any or all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

HOUSE BILL No. 1692.

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2176, (Senate Bill No. 709), entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized and prescribing the powers and duties of Courts of Common Pleas in relation to such liquidation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.
Aukerman,	Gorski,	Merrell,	Smith, John A.
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2171, (Senate Bill No. 188), entitled:

An Act relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2190, (Senate Bill No. 707), entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth, created by special act of assembly prior to January 1, 1874, to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Thomas,
Boose,	Hering,	O'Connor,	Thompson,
Boyer,	Hess,	O'Keefe,	Toole,
Bradley,	Hetrick,	Ominsky,	Tronzo,
Brancato,	Hindman,	O'Neill,	Trout,
Brigerman,	Hirsch,	Ostroff,	Tumelty,
Broad,	Holland,	Patterson, C. S.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsbur
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Coakley,	Keenan,	Readinger,	Wampole,
Cohen, H. B.,	Kelso,	Reese,	Watkins,
Cohen, R. E.,	Kilroy,	Reising,	Webster,
Coleman,	Kline,	Richter,	Weidemann,
Coolahan,	Kroll,	Robinson,	Weiss, D. H.,
Corrigan,	LaRue,	Rothenberger,	Weiss, S. A.,
Costanzo,	Leisey,	Royer,	Welliver,
Davies,	Levy,	Ruffennach,	Welsh,
Decker,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Longaker,	Scanlon,	Whitenight,
Donohoe,	Lopresti,	Schor,	Wilson,
Dougherty,	Lovett,	Schrock,	Winner,
Downey,	Lyons,	Schrope,	Wood,
Dubbs,	Marino,	Schumacher,	Woodside,
Dyson,	Matthews, H. T.,	Serrill,	Wright,
Eckels,	Matthews, J. F.,	Shaw,	Yanoshat,
Elpern,	McArdle,	Shea,	Yeakel,
Falkenstein,	McCullough,	Shepard,	Yourishin,
Finnerty,	McDermott,	Shoemaker,	Zappala,
Fiss,	McDevitt,	Shugarts,	Furman,
Fitch,	McElroy,		

NAYS—1

Muir,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

BILL PASSED OVER

There being no objection House Bill No. 1342, Printer's No. 854, was passed over at the request of Mr. SHEPARD.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 45, entitled:

An Act to amend section nine hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by changing the time when the Court of Quarter Sessions is authorized to fill vacancies in borough offices.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1020, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National Banks into State banks, and for the licensing of private banks; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. CAPUTO. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2040, as follows:

An Act to amend section fifty-nine as amended section one hundred ninety as added section two hundred four as amended and sections two hundred forty-seven and six hundred seventy-five of to add sections one hundred fifty and one-tenth and one hundred fifty-five to and to repeal section two hundred five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the provisions for filling vacancies in the office of coroner sheriff and district attorney providing for and prescribing the procedure for leasing of real property belonging to counties and providing for the filling of vacancies in the office of county treasury and the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same. That section fifty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 59 Deputies to Act in Certain Cases Whenever any county officer is authorized or required to appoint a deputy or deputies such deputy or principal deputy where there are more than one shall during the necessary or temporary absence of his principal perform all the duties of such principal and also in case of a vacancy until a successor is qualified [except in the case of a vacancy in the office of sheriff where the coroner shall act as hereinafter provided and except also in the case of a vacancy in the office of coroner where the sheriff shall act as hereinafter provided]

No person temporarily succeeding to any county office by reason of the death or removal of the duly elected or appointed officer shall execute any of the duties of such office until he has first taken oath and filed the bond required of the principal officer

Section 2 That section one hundred ninety of said act as added by section six of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby amended to read as follows

Section 190 [Sheriff to Act as Coroner in Case of a Vacancy If any coroner shall be legally removed from his office or shall die before the expiration of the term for which he was commissioned the sheriff of the county shall execute the office of coroner and perform all things thereunto appertaining until another coroner is commissioned and notice thereof is given to such sheriff] Filling of Vacancies If any vacancy shall occur in the office of sheriff either by death esignation removal from office or from the county or otherwise it shall be the duty of the Governor to appoint some suitable person to fill such vacancy for the remainder of the unexpired term

Section 3 That section two hundred four of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 945) is hereby further amended to read as follows

Section 204 [Coroner to Act as Sheriff in Case of Vacancy If any sheriff shall be legally removed from his office or shall die or resign before expiration of the term for which he was commissioned the coroner of the county shall execute the office of sheriff and perform all things thereunto appertaining until another sheriff is commissioned and notice thereof is given to such coroner] Vacancies Fees for Commissions If any vacancy shall occur in the office of coroner either by death resignation removal from office or from the county failure or refusal to qualify or otherwise it shall be the duty of the Governor to appoint some suitable person to fill such vacancy for the remainder of the unexpired term

No fees shall hereafter be charged on commissions issued to the coroner

Section 4 That sections two hundred forty-seven and six hundred seventy-five of said act are hereby amended to read as follows

Section 247 Filling of Vacancies If any vacancy shall occur either by death resignation removal from office or from the county or otherwise the [judges of the Court of Common Pleas] Governor shall supply such vacancy by the appointment of a competent person to fill the office during the balance of the unexpired term

Section 375 Authority to Sell or Lease Real Property The board of commissioners may sell or lease any real property belonging to the county on petition to the court of common pleas setting forth a description of the property to be sold or leased and the reason therefor the court shall thereupon fix a day for hearing and notice of which shall be given in at least two newspapers in said county of general circulation once a week for three consecutive weeks In the case of any lease of county property hereunder such property with any and all improvements or additions thereon or thereto shall in the hands of the lessee be subject to taxation by such county and any other municipal or political subdivision therein in the same manner as all other real estate located in such county all of which taxes shall be levied and assessed against and paid by the lessee After hearing the court shall make such order and decree as shall seem

right and proper Such sale or lease shall be returned to the following term of court as orphans' court sales are now returned and said court shall confirm or refuse to confirm said sales or leases as it may deem best for the interests of the county

Section 5 That said act is hereby amended by adding thereto after section one hundred fifty a new section to read as follows

Section 150.1 Vacancies Any vacancy occurring by removal from office death resignation removal from the county or otherwise in the office of county treasurer in counties of the second class shall be filled by the appointment of any eligible person by the county commissioners and the person so appointed shall hold said office for the balance of the unexpired term

Section 6 That said act is hereby amended by adding thereto after section one hundred fifty-four a new section to read as follows

Section 155 Assistant Solicitors Clerks and Stenographers In counties of the second class the county solicitor may with the consent and approval of the county commissioners appoint to assist him in the discharge of the duties of his office such assistant solicitors who shall be attorneys-at-law admitted and qualified to practice in the courts of this Commonwealth and such clerks and stenographers as may be deemed necessary who shall receive such salaries as may be fixed according to law.

Section 7 That section two hundred five of said act and the amendments thereto are hereby repealed

Section 8 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Simpson,
Arnold,	Ganser,	McShane,	Skale,
Atkins,	Gerard,	Melchiorre,	Smith, James A.,
Aukerman,	Gillette,	Mellott,	Smith, John A.,
Baine,	Gorski,	Merrell,	Snyder,
Baker, F. T.,	Habbyshaw,	Mihm,	Sollenberger,
Baker, J. J.,	Haberlen,	Moomaw,	Spengler,
Balthaser,	Hagerty,	Mooney,	Sproul,
Bierly,	Hall,	Moran,	Stank,
Blank,	Hamilton, F. P.,	Moul,	Stewart,
Bohn,	Hamilton, R. S.,	Munley,	Stockham,
Boles,	Harkins,	Murrin,	Strode,
Boltz,	Harmuth,	Nagel,	Thomas,
Boose,	Hays,	O'Brien,	Thompson,
Boyer,	Hering,	O'Connor,	Toole,
Bradley,	Hess,	O'Keefe,	Tronzo,
Brancato,	Hetrick,	Ominsky,	Trout,
Brigerman,	Hindman,	O'Neill,	Tumelty,
Broad,	Hirsch,	Ostroff,	Turner,
Brown,	Holland,	Patterson, C. S.,	Vallbus,
Brownfield,	Holmes,	Peale,	VanAllsburg,
Burrows,	Holstrom,	Pearson,	VanSickle,
Cadwalader,	Hontz,	Pershing,	Vogt,
Caesar,	Horting,	Piole,	Wagner,
Caputo,	Huntley,	Powers,	Wall,
Chervenak,	Imbrie,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Lewis,	Sarraf,	Whalen,
Dickinson,	Long,	Scanlon,	Whitenight,
Donohoe,	Lopresti,	Schor,	Winner,
Dougherty,	Lovett,	Schrock,	Wood,
Downey,	Lyons,	Schrope,	Woodside,
Dubbs,	Marino,	Schumacher,	Wright,
Dyson,	Matthews, H. T.,	Serrill,	Yanoshat,
Eckels,	Matthews, J. F.,	Shaw,	Yeakel,
Elpern,	McArdle,	Shea,	Yourishin,
Falkenstein,	McCullough,	Shepard,	Zappala,
Finnerty,	McDermott,	Shoemaker,	Furman,
Fiss,			

NAYS—6

Longaker,	Muir,	Sloan,	Wilson,
McKinney,	Perry,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2143, (Senate Bill No. 607), entitled:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Fitch,	McElroy,	Shugarts,
Alexander,	Flanagan,	McFall,	Siegel,
Allen,	Flannery,	McGee,	Simon,
Allmond,	Flinchbaugh,	McKinney,	Simpson,
Arnold,	Ganser,	McShane,	Skale,
Atkins,	Gerard,	Melchiorre,	Smith, James A.,
Aukerman,	Gillette,	Mellott,	Smith, John A.,
Baine,	Gorski,	Merrell,	Snyder,
Baker, J. J.,	Habbyshaw,	Mihm,	Sollenberger,
Baker, F. T.,	Haberlen,	Moomaw,	Spengler,
Balthaser,	Hagerty,	Mooney,	Sproul,
Bierly,	Hall,	Moran,	Stank,
Blank,	Hamilton, F. P.,	Moul,	Stewart,
Bohn,	Hamilton, R. S.,	Munley,	Strode,
Boles,	Harkins,	Murrin,	Thomas,
Boltz,	Harmuth,	Nagel,	Thompson,
Boose,	Hays,	O'Brien,	Toole,
Boyer,	Hering,	O'Connor,	Tronzo,
Bradley,	Hess,	O'Keefe,	Trout,
Brancato,	Hetrick,	Ominsky,	Tumelty,
Brigerman,	Hindman,	O'Neill,	Turner,
Broad,	Hirsch,	Ostroff,	Vallbus,
Brown,	Holland,	Patterson, C. S.,	VanAllsburg,
Brownfield,	Holmes,	Peale,	VanSickle,
Burrows,	Holstrom,	Pearson,	Vogt,
Cadwalader,	Hontz,	Perry,	Wagner,
Caesar,	Horting,	Pershing,	Wall,
Caputo,	Huntley,	Piole,	Walsh,
Chervenak,	Imbrie,	Powers,	Wampole,
Coakley,	Kane,	Preston,	Watkins,
Cohen, H. B.,	Keenan,	Readinger,	Webster,
Cohen, R. E.,	Kelso,	Reese,	Weidemann,
Coleman,	Kilroy,	Reising,	Weiss, D. H.,
Coolahan,	Kline,	Richter,	Weiss, S. A.,
Corrigan,	Kroll,	Robinson,	Welliver,
Costanzo,	LaRue,	Rothenberger,	Welsh,
Davies,	Leisey,	Royer,	Westrick,
Decker,	Levy,	Ruffennach,	Whalen,
DeNote,	Lewis,	Rush,	Whitenight,
Dickinson,	Long,	Sarraf,	Wilson,
Donohoe,	Lopresti,	Scanlon,	Winner,
Dougherty,	Lovett,	Schor,	Wood,
Downey,	Lyons,	Schrock,	Woodside,
Dubbs,	Marino,	Schrope,	Wright,
Dyson,	Matthews, H. T.,	Schumacher,	Yanoshat,
Eckels,	Matthews, J. F.,	Serrill,	Yeakel,
Elpern,	McArdle,	Shaw,	Yourishin,
Falkenstein,	McCullough,	Shea,	Zappala,

Finnerty,	McDermott,	Shepard,	Furman,
Fiss,	McDevitt,	Shoemaker,	

NAYS—4

Longaker,	Muir,	Sloan,	Stockham,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospital care and service conferring powers on the Insurance Department and the Department of Welfare exempting such corporations from taxation and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,

Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1282, as follows:

An Act to further amend the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery further defining osteopathy providing for issuing licenses to perform operative surgery to licensees of other states requiring annual renewals of osteopathic surgeons' licenses fixing fees extending the functions and authority of osteopathic physicians and surgeons and prescribing additional penal provisions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section ten of the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this St te and to provide penalties for the violation of this act" as last amended by section one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 795) is hereby further amended to read as follows

Section 10 Applicants examined and licensed by the State Boards of Osteopathic Examiners of other States on the payment of a fee of fifty dollars to the State Board of Osteopathic Examiners and filing in the office of the State Board of Osteopathic Examiners a copy of said license certified by the affidavit of the president or secretary of such board showing also that the standard of requirements adopted by said board of examiners is substantially the same as is provided by section eight of this act shall without further examination receive a license conferring on the holder thereof all the rights and privileges provided by section eleven of this act

[Candidates for license to practice osteopathy in this State who present their applications and undergo examination after the first day of January Anno Domini one thousand nine hundred and twelve shall be obliged to present to the State Board of Osteopathic Examiners one of the following credentials satisfactory to the said board covering their preliminary education prior to their beginning the study of osteopathy in some legally incorporated reputable osteopathic college to wit A diploma of graduation from a reputable college or university granting the degree of bachelor of arts or science or equivalent degree or a diploma of graduation from an educational institution maintaining a four years' course of study equivalent to a standard four year high school course that is a State Normal School or a high school a seminary an academy or a college preparatory school or a certificate of having passed examination for admission to the freshman class of a reputable literary or scientific college or university

or a certificate of having passed an equivalent examination conducted by the Bureau of Professional Education Nothing herein shall be construed as being incompatible with the following additional requirements namely that the preliminary education shall include one years' credits in physics chemistry and biology as approved by the Bureau of Professional Education]

After the first day of July one thousand nine hundred and twenty-eight applicants for licensure under the provisions of this act shall furnish prior to any examination by the State Board of Osteopathic Examiners satisfactory proof that he or she has had a general education of not less than a standard four years' high school course or its equivalent and not less than one year of college credits in chemistry biology and physics all of which have been received before admission to osteopathic study [On said date the provisions of the foregoing paragraph of this section are hereby repealed] After the first day of July one thousand nine hundred and forty-one such applicants shall have had not less than two years of college credits including one year in each of the subjects chemistry biology and physics all of which have been received before admission to osteopathic study

Section 2 Section eleven of said act as amended by section two of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 795) is hereby further amended to read as follows

Section 11 Every license to practice as an osteopathic physician issued by the State Board of Osteopathic Examiners shall authorize the holder thereof to practice osteopathy in all its branches including minor surgery and obstetrics without restriction as the same is herein defined and taught and practiced in the legally incorporated reputable colleges of osteopathy but it shall not authorize the holder thereof to practice operative surgery without obtaining an additional license to practice such surgery as provided in section eleven (b) of this act Any use or practice by osteopathic physicians of the agencies or means hereinafter named as embraced within the fundamentals of the principles and practice of the system of osteopathy when used for the purposes in the manner and to the extent as taught and practiced in the legally incorporated reputable colleges of osteopathy shall not be construed the practice of medicine or deemed to be in violation of or contrary to any of the laws of this Commonwealth relating to the practice of medicine or regulating the public health

The word "osteopathy' as used in this act means a complete and independent scientific system for the preservation of health and the relief and cure of bodily disorders embracing a distinct etiology prophylaxis and therapeutics applicable to all types and conditions of disease which in its practice deals with the human body as an intricate machine holding as its foremost fundamental (a) that the body when in perfect structural alignment will function correctly and health ensue (b) that disease is the effect of anatomical abnormalities producing physiological discord emphasizing malposed part or parts of the spinal column its appendages and attachments as the chief pre-disposing and producing cause of disease to cure which the abnormal part or parts must be adjusted to the normal that [pathogenis] pathogenic bacteria are secondary to the predisposing anatomical cause and (c) which regards and uses non-drug adjunctive measures as palliatives (d) embraces obstetrics ophthalmology subject however to the provisions herein as to surgery subscribes to sanitation and hygiene and to surgery when indicated and practiced from an osteopathic viewpoint (e) employs antiseptics anaesthetics and germicides in case of necessity and antidotes in case of poisoning and (f) opposes the introduction or drugs into the body organism as curative agencies

Section 3 Section eleven (b) of said act as amended by section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws 316) is hereby further amended to read as follows

Section 11 (b) Any person licensed to practice osteopathy in this State and desiring to enter upon the practice of operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy may deliver to the superintendent of Public Instruction upon the payment of a fee of [twenty-five] dollars or such fee as shall be fixed by the Superintendent of Public Instruction a written application for license together with satisfactory proof in such form as may be required by the Osteopathy Surgeons' Examining Board that the applicant has served for a period of not less than two years as an interne or assistant surgeon in an approved osteopathic hospital which shall have at least ten beds per interne devoted to the treatment of diseases shall maintain a thoroughly equipped modern pathological and clinical laboratory proportionate to the necessities of the hospital and shall maintain a department of anaesthetics consisting of one or more anaesthetists who shall have supervision over the anaesthesia given in the institution and whose duty it shall be to instruct all internes in the administration of all anaesthetics After the first day of July one thousand nine hundred and forty-one all applicants shall in addition to the requirements hereinabove set forth have successfully completed one year of surgical training in some legally incorporated reputable osteopathic college or in lieu of such qualifications the applicant may submit proof as hereinbefore required that he has served for a period of not less than five years as an interne or assistant in any hospital approved by the Osteopathic Surgeons' Examining Board which shall meet the requirements hereinbefore set forth All applicants while serving an interne or assistant surgeon shall be registered with both the State Board of Osteopathic Examiners and the Osteopathic Surgeons' Examining Board The Osteopathic Surgeons' Examining Board shall examine and fix the rating of all osteopathic colleges and hospitals for graduate students and provide interne positions as hereinbefore provided for this inspection and rating as it relates to surgery only The same standard for graduates in medicine shall be used for examination by the Osteopathic Surgeons' Examining Board in the examination of the osteopathic graduates for licenses to practice surgery Provided That [The same standard for graduates in medicine shall be used for examination by the Osteopathic Surgeons' Examining Board in the examination of the osteopathic graduates for licenses to practice surgery Provided That any] Any person duly licensed as an osteopath who has had at least five years of actual practice as a surgeon may be examined by the board without being required to prove that he has had two years' experience as an interne or assistant surgeon in a hospital as hereinbefore provided

Thereupon the Osteopathic Surgeons' Examining Board if satisfied with said proof shall admit said applicant to examination as to his or her qualifications for practice of operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy Such examination shall include the subjects of surgical diagnosis and operative surgery and such other subjects as the said board may deem necessary to test the qualifications of the applicants The Osteopathic Surgeons' Examining Board shall cause the Department of Public Instruction to issue forthwith to each applicant who shall have obtained a general average of not less than seventy-five per centum and who shall have been adjudged by the said board of examiners to be duly qualified for the practice of operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy a license to practice such operative surgery in the State of Pennsylvania Such license shall be issued and recorded in the same manner as licenses to practice osteopathy are now issued by the State Board of Osteopathic Examiners under the provisions of this act Provided however That no such license shall be issued if any objection thereto is filed by the State Board of Osteopathic Examiners

[Each person to whom a license is issued to practice operative surgery by the Osteophatic Surgeons' Examining Board shall likewise register in the office of the prothonotary of the court of common pleas of the county or counties in which he or she desires to practice by exhibiting to the prothonotary of said county or counties a license duly granted to him or her as hereinbefore provided whereupon

he or her shall be entitled upon the payment of one dollar to be duly registered in the office of the prothonotary of the Court of Common Pleas of said county or counties as an osteophatic surgeon]

Every license issued by said board to practice surgery shall authorize the holder thereof to practice major or operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy and the use of anaesthetics antiseptics narcotics and germicides when used for the purposes in the manner and to the extent only as taught and practiced under surgical procedure in the legally incorporated reputable colleges of osteopathy shall not be considered the practice of medicine or in violation of any of the laws relating to the practice of medicine or regulating public health

Any osteopathic physician who has been practicing operative surgery for a period of not less than seven years prior to the passage of this act shall not be required to take the examinations required by this section and shall be eligible to appointment as a member of the Osteopathic Surgeons' Examining Board

Applicants examined and licensed by the osteopathic surgeons' examiners of any other state where such examiners exist separate from the osteopathic physicians' examiners on the payment of a fee of two hundred dollars ($200.00) and the filing with the Osteopathic Surgeons' Examining Board of this Commonwealth a copy of such license certified by the president or secretary of the examiners of such other state showing that the standard or requirements adopted by such examiners is substantially the same as is provided by this act shall without further examination receive a license conferring on the holder thereof the right to practice operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy

Every person now or hereafter licensed under the provisions of this act to practice operative surgery shall register as such practitioners with the Osteopathic Surgeons' Examining Board on or before the first day of January one thousand nine hundred and thirty-eight and annually thereafter on or before the first day of January of each succeeding year The form for such registration shall be prescribed and furnished by the board The annual registration fee shall be ten dollars ($10.00) or such other sum as shall be fixed by the Department of Public Instruction under authority of law The fee shall in all cases accompany the application for such registration

Section 4 Section twelve of said act as amended by section four of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 795) is hereby further amended to read as follows

Section 12 Osteopathic physicians and osteopathic surgeons shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases the reporting and certifying of births and deaths and all matters pertaining to public health the same as physicians of other schools and all such reports and certificates when made or issued by osteopathic physicians licened under the laws of the Commonwealth shall be accepted by the persons partnerships corporations or by the officers boards bureaus or departments of the State or of any of its political subdivisions to whom the same are made with the same force and effect as reports or certificates issued by physicians of other schools and such osteopathic physicians shall be entitled to the same fees and compensation as is provided by law for physicians of any other school [Provided That no report or certificate made under the provisions of this section in connection with a case involving operative surgery shall be valid unless the same is made by an osteopathic surgeon duly licensed to practice operative surgery under the provisions of this act]

Section 5 Section fourteen of said act as amended by section five of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 795) is hereby further amended to read as follows

Section 14 On and after the approval of this act the State Board of Osteopathic Examiners shall refuse to grant a license to an applicant to practice osteopathy in this State and is empowered to revoke a license conferring on a person the right to practice osteopathy upon the presentation to said State Board of Osteopathic Examiners of a court record showing the conviction in due course of law of said person for procuring aiding or abetting in producing a criminal abortion or miscarriage by any means whatsoever The State Board of Osteopathic Examiners upon such evidence and proof shall cause the name of said convicted licentiate to be removed from the record in the office of any prothonotary in the State The State Board of Osteopathic Examiners may refuse revoke or suspend the right to practice osteopathy in this State upon any or all of the following reasons to wit The conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs intellection and judgment to such an extent as to incapacitate the performance of professional duties the violation of the practice of the principles of the system of osteopathy as defined in this act misrepresentation unethical conduct or misleading or fraudulent advertising in the practice as determined by the board Any person who is a licentiate under this act or who is an applicant for examination for licensure to practice osteopathy in this State against whom any of the foregoing charges are preferred for causing the revocation or suspension of license or for causing the refusal of the right to be examined for licensure shall be furnished by the State Board of Osteopathic Examiners with a copy of the complaint and shall have a hearing before said board in person or by attorney and witnesses may be examined by said board respecting the guilt or innocense of said accused The suspension of license of any licentiate under this act shall be removed when said narcotic or vicious habit hereinbefore specified shall have been adjudged by the proper authorities to be cured or overcome and said suspended licentiate deemed again capable of practicing the healing art

Section 15 All acts or parts of acts inconsistent with this act are hereby repealed

Section 16 This act shall become effective upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—179

Achterman,	Fitch	McElroy,	Shaw,
Alexander,	Flanagan	McFall,	Shea,
Allen,	Flannery,	McGee,	Shepard,
Allmond,	Flinchbaugh,	McKinney,	Shoemaker
Atkins,	Ganser,	McShane,	Shugarts,
Aukerman,	Gerard,	Melchiorre,	Simon,
Baine,	Gillette,	Mellott,	Simpson,
Baker, J. J.,	Gorski,	Merrell,	Skale,
Balthaser,	Habbyshaw,	Mihm,	Sloan,
Bierly,	Haberlen,	Moomaw,	Smith, James A.,
Blank,	Hagerty,	Mooney,	Smith, John A.,
Bohn,	Hall,	Moran,	Snyder,
Boies,	Hamilton, F. P.,	Moul,	Sollenberger,
Boltz,	Hamilton, R. S.,	Munley,	Spengler,
Boose,	Harkins,	Murrin,	Sproul,
Bradley,	Harmuth,	Nagel,	Stank,
Brancato,	Hays,	O'Brien,	Stewart,
Brigerman,	Hering,	O'Connor,	Stockham,
Broad,	Hess,	O'Keefe,	Strode,
Brown,	Hetrick,	Ominsky,	Thompson,
Brownfield,	Hindman,	O'Neill,	Toole,
Burrows,	Holland,	Ostroff,	Tronzo,
Cadwalader,	Holstrom,	Patterson, C. S.,	Trout,
Caesar,	Hontz,	Pearson,	Tumelty,
Caputo,	Horting,	Perry,	Turner,
Chervenak,	Imbrie,	Pershing,	VanAllsburg,
Coakley,	Kane,	Piole,	VanSickle,
Cohen, H. B.,	Keenan,	Preston,	Vogt,
Cohen, R. E.,	Kelso,	Readinger,	Wagner,
Coleman,	Kilroy,	Reese,	Walsh,
Coolahan,	Kroll,	Reising,	Wampole,
Corrigan,	Leisey,	Richter,	Weidemann,
Costanzo,	Levy,	Robinson,	Weiss, D. H.,

DeNote,	Lewis,	Rothenberger,	Weiss, S. A.,
Dickinson,	Long,	Royer,	Welliver,
Donohoe,	Longaker,	Ruffennach,	Welsh,
Dougherty,	Lopresti,	Rush,	Westrick,
Downey,	Lovett,	Sarraf,	Whalen,
Dubbs,	Marino,	Scanlon,	Whitenight,
Dyson,	Matthews, H. T.,	Schor,	Wilson,
Eckels,	Matthews, J. F.,	Schrope,	Winner,
Falkenstein,	McArdle,	Schumacher,	Wood,
Finnerty,	McCullough,	Serrill,	Woodside,
Fiss,	McDevitt,		

NAYS—24

Arnold,	Holmes,	Muir,	Valibus,
Baker, F. T.,	Huntley,	Peale,	Wall,
Boyer,	Kline,	Powers,	Watkins,
Davies,	LaRue,	Schrock,	Webster,
Decker,	Lyons,	Siegel,	Wright,
Eipern,	McDermott,	Thomas,	Yourishin,
Hirsch,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. KANE filed the following reason for his vote on House Bill No. 1282:

After vigorous opposition to certain sections of this bill by Dr. Shea, Dr. Sarraf, myself and others, the sponsors of this bill have eliminated all the provisions we objected to, including particularly the right to be appointed to State positions, and so forth and since all we asked has been agreed to, I am voting "aye" on the bill as it now stands amended.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 250, as follows:

An Act authorizing cities boroughs towns and townships to construct acquire own operate control sell and lease facilities for the production generation transmission distribution or furnishing of natural or artificial gas electricity steam or water or the collection disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits or both conferring the power of eminent domain conferring certain powers and powers and imposing certain duties on such municipalities and the controller or auditors thereof providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission and prescribing penalties

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(e) Audits
(f) Municipal Powers
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Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

ARTICLE I

Preliminary Provisions

Section 1 Definitions The following words and phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" the board of directors created under this act to manage and operate a public utility facilities acquired or constructed in accordance with this act

"Municipality" and city borough town and township of this Commonwealth and shall refer to the municipality acquiring or constructing public utility facilities in accordance with the provisions of this act

"Municipal authorities" refers to the municipal authorities of the municipality acquiring or constructing public utility facilities in accordance with the provisions of this act

"Owner" any individual copartnership association and corporation owning or leasing in whole or in part any public utility facilities in use or useable for the purpose of furnishing and supplying water or electrical energy to the public the acquisition of which is desired by a municipality

"Public utility facilities" all the plant and equipment including all tangible and intangible real and personal property and any and all means and instrumentalities owned operated leased used and controlled in connection with the production generation transmission distribution or furnishing of natural or artificial gas electricity steam or water and the collection disposition or treatment of sewage

Public utility service' the furnishing or rendering of natural or artificial gas, electric energy, steam, water or sewage service to the public."

Section 2 Short Title This act shall be known and may be cited as "The Municipal Utility Law"

ARTICLE II

Acquisition and Construction of Municipal Waterworks or Electric Plants

Section 21 Powers of Municipalities Any municipality is hereby authorized and given power to construct acquire own operate control sell or lease public utility facilities and to add to and maintain such facilities to enable it to furnish or render public utility service within or beyond its corporate limits or both

Section 22 Construction of Waterworks and Dams The construction of any waterworks shall be in accordance with plans therefor previously filed with the Secretary of Health and a permit issued therefor in accordance with the act of Assembly approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" and the amendments and supplements thereto The construction of any dam or of any other obstruction to a stream shall be in accordance with a permit issued therefor by the Water and Power Resources Board in accordance with the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" and the amendments and supplements thereto

Section 23 Power of Eminent Domain Every municipality is hereby granted the power of eminent domain under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality

(a) For the purpose of erecting public utility facilities or improving its public utility facilities to acquire springs streams rivers lakes ponds water sheds or creeks and

lands easements roads streets and rights of way within or beyond its territorial limits as to which the Water and Power Resources Board after due notice and public hearing shall have found that the appropriation of the same is required by the present or future interests of the Commonwealth for the construction maintenance or operation of the public utility facilities of said municipality and is not incompatible with the public interests of the region in the vicinity of such public utility facilities and

(b) For the purpose of laying and constructing pipes drains conduits water ways substations inter-tie and transmission lines under and over any lands rivers streams bridges roads streets sidewalks or across railroads and street railways to acquire lands easements roads streets and rights of way No water appropriated under the provisions of this act shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic or farm purposes

No municipality shall exercise the right of eminent domain herein conferred as against any property of a public utility company other than a company rendering a public utility service as defined in this act as against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of assembly by the Council of the Colony of Pennsylvania the Supreme Executive Council of the Commonwealth of Pennsylvania or the Congress of the United States or as against the land occupied by any fort redoubt or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by the Commander-in-Chief of the Continental Army or as against the site of any building fort redoubt blockhouse or headquarters which are preserved for their historic associations and not for private profit The Colonial and Revolutionary period shall be taken as ended on the third day of September one thousand seven hundred and eighty-three

No municipality shall exercise the right of eminent domain herein conferred against any real property outside its corporate limits without the approval of the Pennsylvania Public Utility Commission

Section 24 Notice of Intention to Acquire Public Utility Facilities Whenever the municipal authorities of any municipality shall desire to acquire by purchase or right of eminent domain the public utility facilities of an owner in whole or in part they shall adopt a resolution signifying their intention to do so The municipal authorities shall forthwith serve on the owner his her their or its authorized agent or representative a true copy of such resolution duly certified under the seal of the municipality

Section 25 Hearings If within ten days after the service of such resolution upon the owner his her their or its authorized agent or representative such owner shall propose to sell and transfer such public utility facilitis in whole or in part to the municipality upon terms and conditions to be mutually agreed upon between such owner and the municipal authorities the Pennsylvania Public Utility Commission shall upon application fix a time and place for a public hearing and consideration of such proposal of which due notice to all parties interested shall be given as the commission may direct

Section 26 Owners to Furnish Maps and Drafts of Public Utility Facilities The owner or owners shall also furnish to the municipal authorities five days before the day of hearing a map or draft delineating and picturing the public utility facilities of the said owner or owners in actual and contemplated use for furnishing or rendering public utility service to any and all portions of the area of such municipality

Section 27 Execution of Contracts for Purchase If after the public hearing the terms and conditions of the purchase and sale shall be agreed upon by the municipal authorities and the said owner or owners and be approved by the Pennsylvania Public Utility Commission then the municipal authorities shall by resolution authorize and direct the execution on the part of the municipality of such contracts in writing and other instruments and take any and every action with reference thereto necessary or appropriate to consummate such purchase and sale and transfer to the municipality of the public utility facilities of the said owner or owners and to make payment therefor in accordance with the terms of such agreement

Section 28 Power of Eminent Domain If the amount to be paid by the municipality to said owner or owners for his her their or its public utility facilities cannot be mutually agreed upon then the municipality shall have power by its municipal authorities to acquire such public utility facilities or any part thereof by the exercise of the power of eminent domain which power of eminent domain is hereby granted Provided however That no municipality shall acquire by condemnation or purchase any privately owned public utility facilities located within its limits except with the approval of a majority of the electors of the municipality voting on a question submitted to determine the will of the electors in the manner provided by the election laws of this Commonwealth and when such facilities are located in some other municipality also with the approval of a majority of the electors of such municipality voting on a question so submitted No municipality shall acquire by condemnation the public utility facilties or any part thereof belonging to or owned or operated by any political subdivision or governmental agency or mutual nonprofit or cooperative association or organization No private corporation whose public utility facilities are so acquired shall cease to operate the same until such facilities are turned over to the municipality

No source of supply or generating system for public utility service shall be taken without taking also the property and works necessarily dependent upon such source of supply or generating system for such service at the time of such taking

Section 29 Procedure Valuation Every such eminent domain proceeding shall be instituted by petition filed by the municipality before the Pennsylvania Public Utility Commission The commission shall thereupon proceed to value and appraise the public utility facilities and for such purpose shall have access to the books and records of the owner to inform itself as to the value thereof The commission shall fix a time and place for a hearing on said valuation of which reasonable notice shall be given to all parties in interest At such hearing testimony and evidence may be offered by either party

After such notice and hearing, the commission shall make an order determining the value of the public utility facilities to be acquired Any party aggrieved by such order may appeal therefrom as provided in section ninety-three of this act

Section 30 Completion of Financing Plans Taking of Possession When the value of the public utility facilities of an owner or owners has been finally determined as provided in this act and the plans of the municipality for financing such acquisition have been fully completed the municipality shall have the right to enter into possession of said public utility facilities The municipal authorities shall notify the owner or owners in writing by service upon his her their or its officer agent or representative of the time and place on the property of the owner or owners when they will take possession of the public utility facilities and will pay to the owner or owners the amount finally determined as the value of such facilities or the amount if any over and above the liens against the facilities to be acquired if such liens are to remain

Nothing in this section shall be construed to prevent an agreement between the municipality and the owner or owners of such facilities for the payment of such value by installments

Section 31 Payment of Money into Court Writ of Possession If the owner or owners shall upon tender of the proper amount refuse to accept the same and to surrender possession of the public utility facilities to the municipality the amount due shall be paid into the Court of Common Pleas of the county in which the greater portion of the facilities to be acquired are located under such safeguards as the court may by its order require and the court shall upon application of the municipal authorities order a writ of habere facias possessionem to issue forthwith directing the sheriff to give the municipality possession of the said facilities

Section 32 Financing and Indebtedness (a) For the purpose of financing the acquisition or construction of a public utility facilities in accordance with the provisions of this act or the operation improvement or extension of such facilities so acquired or constructed any municipality may

(1) Expend public moneys and in accordance with existing law incur or increase its indebtedness

(2) Issue non-debt revenue bonds secured solely by a pledge in whole or in part of the rentals rates or charges for the service of such facilities Said bonds shall not pledge the credit not create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upan and payable solely from the rentals rates or charges for the services of such facilities

Said bonds shall be sold and their dates of maturity and interest fixed in accordance with existing law respecting bonds of such municipality

(b) For the purpose of financing the acquisition or construction of any waterworks any municipality may issue obligations to be secured by liens on the property and works acquired or constructed in accordance with section fifteen article nine of the Constitution of this Commonwealth Said obligations shall not pledge the credit nor create any debt nor be a charge against the general revenues of the municipality but shall be secured solely by such liens

Said obligations shall be sold and their dates of maturity and interest fixed in accordance with existing law respecting obligations of such municipality

ARTICLE III

Boards of Directors Optional

(a) Municipal Authorities Shall Determine

Section 41 Public utility facilities shall be finally acquired by any municipality in accordance with the provisions of this act The municipal authorities shall determine whether they desire the management and operation of such facilities to be either under a bureau or department of such municipality or under the municipal authorities in such other manner as they shall provide or whether they desire the same to be under a board of directors

If the municipal authorities shall determine that the management and operation of the public utility facilities are to be under a board of directors they shall incorporate and cause to be organized a board of directors to so manage and operate such facilities.

(b) Creation of Board of Directors

Section 42 Method of Incorporation Whenever the municipal authorities shall desire to organize a board of directors under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation for such board Thereafter the municipal authorities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such municipality is located and at least one time in a newspaper published or circulated generally in such municipality Said notice shall contain a brief statement of the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed board of directors will be delivered to the Secretary of the Commonwealth

On or before the day specified in said notice the municipal authorities shall deliver to the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notices as aforesaid Said articles of incorporation shall set forth

(a) The name of the board of directors

(b) A statement that such board is created under this act

(c) The name of the incorporating municipality together with the names and addresses of its municipal authorities

(d) A brief description of the public utility facilities to be managed and operated by the board

(e) The date on which the election of the first members of the board is to be held and the number of directors to be elected

Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

The certificate of incorporation shall be conclusive evidence of the fact that such board has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any board which shall have been formed without substantial compliance with the provisions of this section

Section 43 Election of Directors Upon the issuance of a certificate of incorporation of the board by the Secretary of the Commonwealth the municipal authorities shall give notice during at least thirty days by weekly advertisements in a newspaper published or circulated generally in said municipality and if no newspaper be published or circulated generally therein by at least twenty printed handbills posted in the most public parts thereof of an election to be held on a day to be by them fixed for the purpose of electing the members of the board to manage and operate the public utility facilities to be acquired or constructed

Section 44 Time of Election Expense Such election shall be held at the place time and under the same regulations as provided by law for the holding of municipal or general elections The municipal authorities shall in all cases fix the time of holding such election on the day of the municipal or of the general election unless less than sixty or more than one hundred twenty days elapse between the date of issuance of a certificate of incorporation and the day of holding the said municipal or general election If any other day be fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it shall be held

Section 45 Non-Party Ballot Terms The members of the board of directors shall be qualified electors of the municipality creating said board and shall be elected on a non-party ballot Not less than three nor more than five directors shall be elected Not less than one nor more than two directors shall be elected for terms of two years each and not less than two nor more than three for terms of four years each and until their successors are duly elected and qualified

The members shall take office and assume their duties immediately upon the completion of the construction or the final acquisition of the public utility facilities to be managed and operated by the board but their terms shall run from the first Monday of January next succeeding such completion of construction or final acquisition Thereafter at the general or municipal election next preceding the expiration of the terms of the directors not less than one nor more than three directors as the case may be shall be elected for terms of four years each and until their successors are duly elected and qualified to take the place of those whose terms are about to expire Vacancies shall be filled by the municipal authorities for the unexpired term

Section 46 Nomination of Directors Nomination of candidates may be made on petitions the form of which shall be prescribed by the municipal authorities In order to secure a valid nomination a nomination petition shall be signed by electors equal in number to at least five per centum of the highest vote cast for any office in the municipality at the last preceding municipal or general election Such nomination petitions shall be filed with the municipal authorities at least thirty days before the election at which such nominees consent to become candidates If three directors are to be elected and less than five petitions sufficiently signed are filed with the municipal authorities or if five directors are to be elected and less than seven petitions sufficiently signed are filed with

the municipal authorities within the time herein specified the municipal authorities shall make additional nominations until the number of nominees is five or seven as the case may be and shall then certify such nominees including all of those whose petitions are sufficiently signed to the county commissioners at least twenty days before the election

Section 47 Conduct of Elections The county commissioners shall print the names of nominees for the board on separate official ballots without any party designation and shall furnish sufficient number of such separate ballots to each election board in the municipality for which nominated so that one ballot can be furnished to each voter Each person voting at the election at which such persons are candidates shall be entitled to vote for three or five as the case may be of the candidates whose names appear on such ballot and the three or five as the case may be receiving the highest number of votes shall be elected The vote of an elector shall be indicated by a cross mark (X) in the square provided opposite the name of the candidate or candidates for whom he desires to vote

It shall be the duty of the inspectors of such election to receive such ballots and to deposit said ballots in a box provided for that purpose as is provided by law in regard to other ballots received at said election and the ballot so received shall be counted and a return thereof made to the clerk of the court of quarter sessions of the proper county duly certified as is required by law together with a certified copy of the articles of incorporation and the advertisement and the said clerk shall make a record of the same and furnish a certified copy thereof under seal showing the result to the municipal authorities of such municipality and the same shall be placed of record upon the minutes thereof

In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal or general elections and the vote shall be counted by the court of quarter sessions in the manner provided by law governing municipal or general elections and all the penalties of the said election laws for the violation thereof are hereby extended to and shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

(c) Powers of Boards of Directors

Section 51 General Powers of Board Every board of directors created under the provisions of this act shall be a body corporate and politic and shall be for the purpose of managing and operating the public utility facilities acquired or constructed by the municipality creating the board Every board is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

I To have succession perpetually by its corporate name

II To sue and be sued implead and be impleaded complain and defend in all courts of the Commonwealth All actions by or against the board shall be brought in the court having jurisdiction over the municipality creating the board

III To adopt use and alter at will a corporate seal

IV To adopt by-laws to govern the proceedings of the directors and the affairs of the board to fix the time for regular meetings and to hold adjourned meetings and upon three days' written notice to each member of the board to hold a special meeting

V To appoint and employ and to dismiss at pleasure a secretary treasurer general manager attorney and such assistant attorneys superintendents experts operators workmen assistants stenographers clerks engineers surveyors laborers and employes as may be deemed necessary and proper to protect maintain improve and operate the public utility facilities to fix their compensation to prescribe the amount and form of bond required of them and to approve the same

VI To maintain a principal business office which shall be conveniently located within the territorial limits of the municipality creating the board

VII To make and execute such contracts as shall be deemed necessary and proper in the exercise of the powers and privileges granted by this act and in the performance of the duties charged upon them No contract involving an expenditure of more than five hundred dollars ($500) shall be let except to the lowest responsible bidder after due advertisement for bids

VIII To purchase such materials and supplies as may be required for keeping the public utility facilities under their management in good repair and have charge of all construction repairs enlargements and extensions of such facilities and to conduct and manage the affairs and business connected with such facilities in accordance with law

IX To designate and appoint a suitable and responsible depository or depositories for the deposit and safe keeping of the funds of the board and to contract with such depositories with respect thereto and the rate of interest to be paid the board on such deposits and to require such depositories to give bond for the safe-keeping of deposits

X To furnish and render public utility service to the public and to any person associations copartnerships municipal public or private corporations and to the Commonwealth or any subdivision or agency thereof Provided however That the rendering or furnishing of public utility service beyond the corporate limits of the municipality shall be subject to the approval and jurisdiction of the Pennsylvania Public Utility Commission

XI To use and occupy any public highway street or road and private and public lands necessary to be used or occupied for the maintenance and operation of its public utility facilities or any part thereof subject however to such reasonable local police regulations as may be imposed by ordinance adopted by the municipal authorities of the municipality in which said highway street roads or land is located and subject to the approval of the Department of Highways of the Commonwealth as to any highways within its jurisdiction

XII To examine and act upon all claims against the board to require examine and approve or disapprove monthly reports of operation and recommendations by the general manager to require examine approve or disapprove periodical reports made by the secretary and to make an annual budget

XIII To do all acts and things necessary or convenient to carry out the power granted to it by this act or any other acts

XIV To connect with other public utility facilities with the consent of the owner or owners thereof

Provided however That the board shall have no power at any time or in any manner to pledge the credit or taxing power of the municipality nor shall any of its obligations be deemed to be obligations of the municipality nor shall the municipality be liable for the payment of principal of or interest on such obligations

Section 52 Rates The board or the municipal authorities if there be no board shall fix rates for the public utility service which shall be sufficient to operate the public utility facilities in an efficient manner provide for the repair replacement and extension thereof pay the interest on any bonds or obligations issued by the municipality to finance the cost of constructing acquiring improving or operating such facilities and provide for their retirement and all other costs and expenses properly chargeable to the operation of such facilities But such plants shall at all times be operated for the mutual benefit of the inhabitants of the municipality

Section 53 Collection of Rates The municipal authorities of the municipality acquiring or constructing the public utility facilities shall provide by ordinance for the collection of all rates that may accrue fix the time when the same shall be payable and the penalties for nonpayment Claims for such rates due may be filed as liens and may be collected in the same manner as other municipal claims All such rates shall be collected in such manner as the municipal authorities shall provide

Section 54 Annual Budget Surplus The board shall annually within ten days after the financial statement of the board has been filed with the municipal authorities by the auditor or controller as the case may be submit to the municipal authorities a budget for the ensuing year which shall include full estimates of the costs charges and expenses of any new work enlargement extension or alteration of the public utility facilities and no such work shall be undertaken or prosecuted without the consent of the municipal authorities

All surplus in the hands of the board and not required for operating expenses for expenses of any approved new work enlargement extension or alteration of the public utility facilities and for reasonable reserve shall be paid over by the board to the municipal authorities for the use of the municipality

(d) Officers of Boards of Directors

Section 61 Compensation of Directors Oaths Each director shall receive such salary as may be fixed by the municipal authorities of the municipality creating such board Each member of the board before entering upon the duties of his office shall take and subscribe an oath before an officer authorized to administer oaths that he will honestly faithfully and impartially perform the duties of his office and that he will not be pecuniarily interested directly or indirectly in any contract concerning the business or affairs of the board Each member of the board shall also give bond to the Commonwealth for the use of the municipality in the penal sum of twenty-five thousand dollars ($25,000) with corporate surety conditioned for the faithful and honest discharge of his duties The premium on such bonds shall be paid from the funds of the municipality The oath and bond shall be filed with the prothonotary of the court

Section 62 Organization of Board Quorum Seal Records The board shall upon assuming its duties and annually thereafter organize by the election of its members as chairman and one as vice-chairman and by electing a secretary who may or may not be a member of the board and a treasurer who may not be a member of the board The secretary and treasurer shall take and subscribe the same oath of office as the directors which also shall be filed with the prothonotary of the court Three directors shall constitute a quorum to do business and the concurrence of three directors shall be required to exercise any power or perform any duty required by this act

The board shall keep a record of all its proceedings minutes of meetings certificates contracts and all corporate acts which shall be public records open to inspection during business hours The seal of the board shall be impressed on all contracts and official documents of the board

Section 63 Duties of Chairman and Vice-Chairman The principal duties of the chairman of the board of directors other than his duties of director shall be

I To preside at all meetings of the board

II To sign all resolutions adopted by the board

III To sign all warrants for the payment of moneys and to sign execute and acknowledge as the case may require all contracts deeds leases or other instruments authorized by the board to be executed by or on behalf of the board

In the absence of the chairman or in the case of his inability to act the vice-chairman shall perform the duties of the chairman

Section 64 Duties of Secretary The principal duties of the secretary shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful performance of the duties of his office and the payment over and accounting of all moneys belonging to the board Such bond shall be filed with the prothonotary of the court

II To act as secretary of the board and keep a correct and proper record of all the business and proceedings thereof

III To record and sign all minutes of meetings of the board including all resolutions adopted by the board

IV To keep safely and systematically all records and files of the board and at the expiration of his term turn the same over to his successor

V To draw and countersign all orders and warrants for the payment of money by the treasurer to be signed by the chairman or vice-chairman

VI To keep safely the corporate seal of the board and to affix the same to all deeds leases conveyances or other instruments required to be sealed and executed by or on behalf of the board and to all certificates made by him as secretary

VII To sign execute and acknowledge with the chairman all contracts deeds leases and other instruments required by law or authorized by the board and

VIII To perform such other duties as may be imposed on him by law or by vote or resolution adopted by the board

Section 65 Duties of Treasurer The principal duties of the treasurer shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful discharge of the duties of his office to keep a just account of all deposits and expenditures and to pay over the whole amount of the funds belonging to the board to his successor in office

II To demand receive keep and account for all moneys and credits of the board

III To pay to persons entitled thereto the amounts called for in orders or warrents drawn upon him by the secretary of the board signed by the chairman or vice-chairman and countersigned by the secretary and to keep receipts vouchers and other suitable evidences of payment thereof

IV To keep accurate account of all moneys received and disbursed by him and to render accounts statements and inventories of moneys and credits received or disbursed or on hand and

V Generally to perform such duties pertaining to his office as the board of directors may require

(e) Audits

Section 71 Duties of Municipal Controller or Auditors At least sixty days prior to the adoption by any municipality creating a board of its annual budget the controller or auditors of such municipality as the case may be shall audit adjust and settle the accounts of the officers and employes of the board

The controller or auditors shall prepare a statement thereof which shall contain an account of the last fiscal year and shall show a complete statement of the financial condition of the board

Section 72 Surcharges The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by law which caused a financial loss to the board of the municipality shall be a surcharge against any officer against whom such balance or shortage appears or who by vote act or neglect has permitted or approved such expenditures

Section 73 Orders and Vouchers to be Marked "Audited" All orders and vouchers which have been paid shall on their presentation to the controller or auditors be cancelled by writing the word "audited" on the face thereof

Section 74 Controller or Auditors to Advertise and File Statements in Court The controller or auditors shall complete such audit adjustment and settlement as soon as possible and shall within ten days thereafter publish a summary of the receipts and expenditures of the several officers for the preceding year once in at least two newspapers circulating generally in the municipality The controller or auditors shall also within such period of ten days file a copy of the statement with the municipal authorities the secretary of the board and also with the prothonotary of the court which copy shall be at all times subject to public inspection A copy of such statement shall also be filed with the Secretary of Internal Affairs

Section 75 Appeals from Audit It shall be lawful for the board the municipal authorities or any taxpayer of the municipality on its behalf or any officer whose ac-

count is settled or audited to appeal from the settlement or audit to the court within thirty days after the statement has been filed

Section 76 Taxpayers Appealing to Enter Bond No appeal by a taxpayer or officer shall be allowed unless the appellant shall enter into bond in the sum of five hundred dollars ($500) with sufficient surety to prosecute the same with effect and to pay all costs accruing thereon in case if the appellant be a taxpayer he shall fail to obtain a final decision more favorable to the municipality than that awarded by the controller or auditors or in case if the appellant be an officer he shall fail to obtain a final decision more favorable to the officer than that awarded by the controller or auditors

Section 77 Taxpayers May Intervene in Appeals Whenever an appeal has been taken from the report of the controller or auditors by the board by the municipal authorities or by any person charged in such report with any sum of money any taxpayer of the municipality may intervene in such appeal and either prosecute the same on its behalf or defend it against the appeal of the person so charged No taxpayer shall intervene unless he shall file in the court a bond with one or more sufficient sureties conditioned to indemnify the board against all costs accruing by reason of such intervention

Section 78 Procedure on Appeals Any person interested may order the appeal upon the argument list and evidence may be taken before any person authorized to administer oaths upon rule for that purpose served upon the opposite party In any proceeding upon an appeal from a report of the controller or auditors of any board the accounts of the officer or officers in question may be investigated de novo and the burden shall be upon each officer whose accounts are involved in the appeal of establishing by evidence from original sources his right to credits claimed by him but the opposing party in such appeal may use any facts figures or findings of the report of audit as prima facie evidence against any officer

When more than one appeal from a report of such controller or auditors shall have been taken whether by the municipality an officer or officers of the board or by a taxpayer of the municipality or any or all of them the court shall upon petition of any party interested direct the several appeals to be disposed of in a single proceeding

Section 79 Framed Issues Whenever any matter of fact is in dispute the court is authorized to frame an issue for the trial thereof

Section 80 Findings of Fact and Law Judgment After hearing the court shall file its findings of fact and law and enter judgment in accordance therewith and the judgment so entered may be enforced by any appropriate proceedings by the party prevailing

Section 81 Exceptions and Appeals Any person interested may except to the ruling of the court and may appeal therefrom to the Superior or Supreme Court as in other cases

Section 82 Balances Due to be Entered as Judgment Any balance in any report of the controller or auditors against any officer of the board shall constitute a surcharge against such officer as fully as if expressly stated in said report to be a surcharge and the amount of any balance and of any express surcharge shall be entered by the prothonotay as a judgment against such officer and in favor of the municipality The prothonotary shall enter the amount of every balance or surcharge contained in any such report as a judgment Any taxpayer of the municipality may enforce the collection thereof for the benefit of the municipality by action or execution upon filing in the court a bond with one or more sureties conditioned to indemnify the municipality from all costs which may accrue in the proceedings undertaken by such taxpayer subject however to all rights of appeal from the report of the controller or auditors granted by this act

Section 83 Attorney to Controller or Auditors The controller or auditors may employ an attorney in case of any disagreement with an official or board of officials whose accounts he is required to audit Such attorney shall not be employed until reasonable effort has been made to reach an agreement and only after notice of such contemplated employment has been given to such official or board

The compensation of such attorney shall be fixed by the controller or auditors and shall not exceed the sum of twenty dollars ($20) per day nor one hundred dollars ($100) in any case in dispute except when an appeal is taken in which case the court shall fix an additional compensation

The compensation of such attorney shall be paid by the board by warrant drawn by the controller or auditors upon the treasurer

Section 84 Controller or Auditors May Compel Attendance of Witnesses The controller or auditors shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust their executors and administrators and of any persons whom he or they may wish to examine as witnesses and to compel their attendance by attachment in like manner and to the same extent as any court of common pleas of this State may or can do in cases pending before them also to compel in like manner the production of all books vouchers and papers relative to such accounts Such subpoena may be served by any person and such attachement shall be served and executed by the sheriff of the county of the court of any constable

Section 85 Controller or Auditors May Administer Oaths Penalty The controller or auditors shall have power to administer oaths and affirmations to all persons brought or appearing before him or them whether accountants witnesses or otherwise and all persons guilty of swearing or affirming falsely on such examination shall be liable to the pains and penalties of perjury

Section 86 Persons Refusing to Testify to be Committed If any person appearing before such controller or auditors for examination shall refuse to take such oath or affirmation or after having been sworn or affirmed shall refuse to make answer to such questions as shall be put to him touching the accounts or the official conduct of such public officers or any of them such person so refusing may be committed by the controller or auditors to the county jail by warrant under his or their hand and seal directed to the sheriff or any constable of the county of the court setting forth particularly the cause of such commitment until he shall submit to be sworn or affirmed or to make answers to such questions or be otherwise legally discharged

Section 87 Pay of Witnesses Witnesses other than officers of the board attending before the controller or auditors and persons or officers serving subpoenas attachments or warrants shall be paid out of the board's treasury upon orders signed by the controller or auditors and drawn on the treasury the same fees as are payable for rendering similar services in civil proceeding before a justice of the peace

(f) Powers of Municipalities

Section 88 Powers of Municipalities Operating Facilities Every municipality managing and operating public utility facilities acquired or constructed under the provisions of this act shall have all the powers and perform all the duties vested in boards and the officers therefor under the provisions of this act

Section 89 Operation of Public Utility Facilities Every municipality acquiring or constructing public utility facilities under the provisions of this act may operate and manage such facilities through a board of directors organized and created as provided in this act or may operate and manage such facilities either under a bureau or department of such municipality or in such other manner as the municipal authorities may provide

Any municipality shall have the right to change from one system to the other upon the approval of such change by a majority of the electors of such municipality voting on a question submitted to determine the will of the electors in the manner provided by the election laws of this Commonwealth Such question shall be submitted upon petition signed by electors equal in number to at

least ten per centum of the highest vote cast for any office in the municipality at the last preceding municipal or general election and filed with the municipal authorities at least ninety days before the municipal or general election at which such question is to be submitted The municipal authorities shall file such question with the county commissioners of the proper county at least sixty days before such election

ARTICLE IV

Miscellaneous Provisions

Section 91 Saving Clause Nothing in this act shall be construed to abridge impar or limit the powers of cities boroughs and towns under existing laws nor the powers or jurisdiction of the Pennsylvania Public Utility Commission under existing or future laws

Section 92 Constitutional Construction The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 93 Appeals Within thirty days after service of any determination of value by the Pennsylvania Public Utility Commission under this act unless an application for re-hearing may be pending and then within thirty days after service of an order modifying rescinding amending or affirming such determination any party to the proceedings affected thereby may appeal therefrom to the Superior Court Such court is hereby clothed with exclusive jurisdiction throughout the Commonwealth for the purpose of hearing and determining all such appeals Provided That in case any party is entitled to demand a jury trial under section eight of article sixteen of the Constitution of this Commonwealth the appeal shall be to the courts of the proper county thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—149

Achterman,	Elpern,	McCullough,	Scanlon,
Alexander,	Falkenstein,	McDermott,	Schor,
Allen,	Finnerty,	McElroy,	Schrope,
Allmond,	Fitch,	McFall,	Shaw,
Arnold,	Flanagan,	McGee,	Shea,
Baine,	Flannery,	McShane,	Shepard,
Baker, J. J.,	Flinchbaugh,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Hontz,	Patterson, C. S.,	Vogt,
Coakley,	Horting,	Pearson,	Wagner,
Cohen, H. B.,	Keenan,	Pershing,	Walsh,
Cohen, R. E.,	Kelso,	Piole,	Weiss, D. H.,
Coleman,	Kilroy,	Powers,	Weiss, S. A.,
Coolahan,	Kroll,	Preston,	Welliver,
Corrigan,	LaRue,	Readinger,	Welsh,
Costanzo,	Levy,	Reese,	Westrick,
Decker,	Lewis,	Reising,	Whalen,
DeNote,	Long,	Richter,	Whitenight,
Dickinson,	Lopresti,	Robinson,	Wright,
Donohoe,	Lovett,	Rothenberger,	Yanoshat,
Dougherty,	Marino,	Ruffennach,	Yourishin,
Dubbs,	Matthews, H. T.,	Rush,	Zappala,
Dyson,	McArdle,	Sarraf,	Furman,

NAYS—54

Atkins,	Holstrom,	Perry,	Trout,
Aukerman,	Huntley,	Royer,	Turner,
Baker, F. T.,	Imbrie,	Schrock,	VanAllsburg,
Boose,	Kane,	Schumacher,	Wall,
Boyer,	Kline,	Serrill,	Wampole,
Cadwalader,	Leisey,	Simpson,	Watkins,
Davies,	Longaker,	Sloan,	Webster,
Downey,	Lyons,	Snyder,	Weidemann,
Eckels,	Matthews, J. F.,	Sollenberger,	Wilson,
Fiss,	McDevitt,	Sproul,	Winner,
Ganser,	McKinney,	Stewart,	Wood,
Gillette,	Merrell,	Stockham,	Woodside,
Habbyshaw,	Muir,	Strode,	Yeakel,
Hamilton, R. S.,	Peale,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2114, as follows:

An Act relating to trust indentures deeds of trusts or similar instruments relating to real estate mortgages and interests therein regulating and supervising the appointment creation powers and duties of trustees bondholders' protective committees depositories management companies voting trustees and other persons administering holding in custody or otherwise concerned with real estate mortgages and interests therein imposing certain powers and duties on courts of common pleas and prescribing penalties

Section 1 Purpose and Application of Act It is the purpose of the Legislature in enacting this act to provide for the regulation and supervision of the appointment creation agreements acts conduct practices and proceedings of trustees bondholders' protective committees depositories management companies voting trustees and other persons administering holding in custody or otherwise concerned with real estate mortgages and interests therein to the end that such interests will be properly conserved administered and ultimately liquidated in the public interest This act except as otherwise expressly provided shall apply to the extent that the Commonwealth has power to provide therefor to all mortgage investments as hereinafter defined where the property constituting the underlying security therefor or any part thereor is located within the Commonwealth or where the trustee committee depository management company voting trustee or other person administering holding in custody or otherwise concerned with such investments has an office for the transaction of business with respect thereto within the Commonwealth or has obtained authority to do business in this Commonwealth

Section 2 Definitions As used in this act unless the context requires otherwise

(1) "Bondholder" shall mean and include any person partnership association or corporation owning or holding a mortgage investment

(2) "Committee" shall mean and include a person or group of persons however known or designated appointed by agreement assignment proxy consent authorization power of attorney or other similar instrument to act as an agency to receive and hold mortgage investments deposited by bondholders and to administer or do any act in respect to the same for the bondholders

(3) "Court" unless some other court has jurisdiction over the property or a plan of reorganization therefor shall mean the court of common pleas of the county in which the property or the major portion thereof is located or if the property be located outside the Commonwealth in the county of the Commonwealth in which the committee trustee or other person dealing with the mortgage investment has or proposes to have his principal office for

the transaction of business with respect to such mortgage investment

(4) "Deposit agreement" shall include any agreement assignment proxy consent authorization power of attorney or other similar instrument whereby a mortgage investment is deposited with or assigned to a committee

(5) "Depository" shall mean and include any person partnership association or corporation designated in any trust indenture deed of trust or deposit agreement as the custodian or depository or mortgage investments

(6) "Mortgage investments" shall mean and include any and all shares and interests heretofore or hereafter acquired in an issue of bonds notes or other evidence of indebtedness of individuals partnerships associations or corporations held by more than one person and secured by a mortgage or mortgages upon real property or by a deed or deeds of trust trust indenture or indentures or other evidence of interest in real property and shall include certificates of deposit issued by or on behalf of a bondholders' protective committee or similar group and also any bonds notes or other evidences of indebtedness taken in lieu of such real property by foreclosure or otherwise

(7) "Property" shall mean and include all the real property and any incidental personal property constituting the underlying security for mortgage investments

(8) "Trustee" shall mean and include any person partnership association or corporation named appointed or designated as such in any deed of trust indenture or other similar intrument or any successor of such trustee

Section 3 Trust Indentures No trustee shall hereafter accept a trust under any trust indenture or mortgage within the contemplation of this act or act as trustee thereunder unless the instrument creating the trust shall contain the following provisions among others which confer upon him the following powers and imposes upon him the following duties

(1) To receive and collect directly and without the intervention or assistance of any fiscal agent or other intermediary all payments of moneys required to be made and paid under such instrument and to disburse the same pursuant to the terms thereof

(2) To act as tax withholding agent for the Commonwealth and to receive collect and pay the necessary tax and hold the surplus if any in trust for the rightful owner thereof

(3) In the event of a default in the payment or deposit of interest amortization sinking fund requirements taxes assessments or principal (without any request from the bondholders or any of them) with due diligence prudence and care and in his discretion

(a) To take such action as may be necessary or proper to sequester the rents and income of the property

(b) To procure from the owner of the property an assignment of rents or a consent to enter into possession of the property and to collect the rents therefrom or both or

(c) To apply to the court for the appointment of a receiver of the rents and income of the property

(d) To declare due and payable forthwith any principal amount remaining due and unpaid and commence an action of foreclosure

(e) To apply the moneys received as rents and income from the property as well as moneys received by the trustee from any receiver appointed for such property in his discretion to the maintenance and operation of such property the payment of taxes water rents and assessments levied thereon and any arrears thereof to the payment of underlying liens and to the creation and maintenance of a reserve fund and after the commencement of an action to foreclose the mortgage on such property to distribute ratably among the bondholders or apply to the court for direction as to the disposition of any moneys remaining in his hands

(f) To render annually to bondholders after the occurrence of a default unless such default be previously cured a summarized statement of income and expenditures in connection with the property

(4) To permit the obligor or other person in possession or control of the property or his successors in interest to be free to select the insurance broker or agent through whom any insurance of any kind is to be placed or written on any property affected or covered by a mortgage held by such trustee (5) In any trust indenture or any mortgage hereafter made and executed to require that the mortgagor shall deposit with the trustee a sum equal to two per centum of the mortgage debt Said sum or so much thereof as shall be necessary may be applied by the trustee to the payment of all necessary expenses in the event of any default in the payment or deposit of interest amortization sinking fund requirements taxes assessments or principal All interet received on said sum prior to default shall be paid by the trustee upon receipt thereof to the mortgagor Said sum or so much thereof as shall not have been expended in accordance with the provisions of this clause shall be returned to the mortgagor upon the payment of the mortgage debt

Section 4 Restrictions on Trustees (1) No trustee shall accept a trust or act as trustee under a trust mortgage affecting any property in which he or any of the officers or directors of the trustee shall have directly or indirectly any financial interest

(2) No trustee nor any officer or director of a trustee nor any employe of any company which is a subsidiary of controlled by or affiliated with the trustee shall either directly or indirectly act as insurance broker or agent in connection with the placing or writing of any insurance of any kind on any property affected or covered by a mortgage held by such trustee under a trust indenture deed of trust or other similar instrument nor shall such trustee be an officer director partner or employe of or otherwise connected with or have any financial interest in directly or indirectly any firm agency business association or corporation that shall act as broker or agent in connection with the placing or writing of such insurance nor shall any trustee or any officer director or employe of the trustee be an officer director partner or an employe of or have any finanancial interest in any trustee as his or its representative or agent in the management or supervision of or the collection of rents and income from any property affected or covered by the mortgage held by the trustee under a trust indenture deed of trust or other similar instrument

(3) No trustee shall accept any trust or act as trustee under any other trust indenture covering or affecting the same property

(4) No owner or mortgagor of any property covered by a trust indenture deed of trust or other similar instrument and no officer director stockholder or employe of such owner or mortgagor shall accept a trust or act as trustee with respect to such property

(5) The provisions of this section shall only apply to trust indentures or mortgages hereafter entered into except that trustees under trust indentures or mortgages heretofore entered into shall be bound by the provisions of this section as to any future acts or interests hereafter acquired

Section 5 Minimum Bid of Trustee at Sale on Foreclosure to be Fixed by Court Notwithstanding any inconsistent provision of law on application for judgment of foreclosure and sale in an action brought to foreclose a trust indenture deed of trust or mortgage upon real property or in any execution sale on a judgment entered on any obligations secured by such mortgage except where a plan of reorganization shall have been consented to by one hundred per centum of all the bondholders or where a sum at which the trustee shall bid for the property has been set forth in a plan of reorganization and approved by the court in a proceeding for the reorganization of the property covered by trust indenture in the manner provided by law the court shall determine what is a fair upset price below which the property shall not be sold and the judgment directing the foreclosure and sale shall fix the minimum price which the trustee or his agent or nominee shall bid for the property Provided That the court may in lieu of fixing a fair upset price in advance of any such sale require as a condition to the validity of such sale that the price bid at such sale shall be approved by the court as fair and adequate

Section 6 Deposit Agreements (1) No deposit agree-

ment hereafter made and executed shall be valid or binding which does not set forth the following provisions for the protection of the bondholders

(a) That the fees of the members of the committee the assignee or the other person or persons to whom the deposit agreement was given as the case may be shall be reasonable and subject to the approval of the court

(b) That the deposit agreement may not be amended without the approval of the court

(c) That the mortgage investments deposited thereunder may not be sold pledged or otherwise disposed of without the unanimous consent of the depositing bondholders or in lieu thereof the approval of the court

(2) No deposit agreement hereafter made and executed shall be valid or binding or confer any rights whatever upon any member of a committee assignee or other person to whom the agreement is given who has any financial interest directly or indirectly in the depository named or to be named by such committee assignee or other person and no person shall hereafter act for a bondholder or a deposit agreement who has such an interest

Section 7 Restrictions on Comittees No sale of mortgage investments by a committee shall be valid unless the fairness of the price received at such sale shall have first been approved by the court except that where an action to foreclose a mortgage on the property is pending the application to pass upon the fairness of such price shall be determined by the court in which such action is pending The hearing upon such application shall be held at such time and place and upon such notice to the depositing bondholders as the court shall direct

Section 8 Managing Agents and Management Companies (1) A person partnership association or corporation appointed designated or employed to manage supervise lease collect rents or to act in any other way with respect to the operation and maintenance of property shall be required to give a surety bond approved by the court as to form and sufficiency in a sum equivalent to at least the gross rental or income of the property for the three months immediately preceding the appointment designation or employment running to the trustee if employed by the trustee before or after a default has occurred and before a reorganization has been effected and thereafter to the person or corporation acquiring the title to the property for the benefit of the bondholders conditioned upon the faithful performance of his or its duties and the due accounting for all moneys received by him or it during the course of his or its employment

(2) No trustee or committee shall employ as a managing agent any management company or corporation any of whose officers directors or stockholders are also officers directors or employes of the trustee or members or employes of the committee

(3) No voting trustee officer or director of a corporation acquiring the title to property in or through a reorganization of such property and no corporation of which he shall be an officer director or stockholder shall be employed as a managing agent for the reorganized property except with the approval of the persons owning or holding at least fifty-one per centum of the securities issued by the reorganized company

Section 9 Voting Trustees and Voting Trust Agreements (1) No trustee or member of a committee or the attorney of such trustee or committee or any employe of either shall be eligible to become a voting trustee or an officer or director of a corporation to be formed or used under a plan of reorganization to acquire title to property previously administered by such trustee or committee unless the facts with respect to their previous connection with the property are disclosed to the court and the affirmative approval of the holders of at least fifty-one per centum of the mortgage investments is obtained or unless a plan of reorganization approved by the court in proceedings in the manner provided by law shall so provide

(2) No agreement appointing trustees to vote the stock of any corporation formed or used under a plan of reorganization of property shall be valid for a longer term than five years and unless it has been submitted to and approved by the court and no trustees appointed by such agreement shall continue to act thereunder after the expiration of its term unless and until a new or an extension agreement has been entered into at least fifty-one per centum of the stock

(3) No salary or other compensation in excess of two hundred and fifty dollars ($250) per annum shall be paid to any voting trustee or any officer or director of a corporation formed or used to acquire the title to property in or through reorganization unless the same has been approved by the court

Section 10 Fees and Allowances In the event of a default in a trust indenture necessitating the sequestration of the rents and income of the property covered thereby and where the trustee or committee or other person or persons representing the bondholders is or are lawfully in possession of the property and they or their attorneys if any shall have rendered services in connection with the property at any time after default no fees or allowances shall be paid for such services unless and until the court has approved the same and such fees and allowances if approved shall be paid in such manner and at such times as the court shall direct

Section 11 Removal of Trustees Committees or Depositories A trustee committee or any member thereof and a depository may be removed by the court for cause shown upon the application of any person aggrieved by the act or omission to act of such trustee committee member or depository after such notice and opportunity to be heard in his or its defense as the court shall direct

Section 12 Actions for Accounting by Minority Groups Expenses Thereof In any special proceeding or action brought by or on behalf of any minority bondholder or group of minority bondholders or any person or group of persons not holding at least fifty-one per centum of the stock or bonds of the mortgage issue but claiming an interest in the trust property for a judicial accounting the court may take into consideration the information as to income and disbursements theretofore furnished to bondholders and merits and good faith of the proceeding or section and whether the accounting will be of value to the bondholders as well as the cost of such accounting and the court may require that the petitioner or plaintiff furnish a surety company bond to indemnity the estate against the expenses of the accounting including fees of the referee to take the accounting stenographic fees and the expenses of the trustee and may direct that if it should appear that the accounting result in any practical benefit to all the bondholders the court should then in its discretion release the indemnity and that if no such benefit accrue the petitioner or plaintiff and his attorney should receive no compensation and the trust fund should be reimbursed for the expenses saddled upon it by reason thereof

Section 13 Violations and Penalties The wilful violation of any provision of this act except section two shall constitute a misdemeanor and shall be punishable by a fine of not exceeding one thousand dollars or by imprisonment for not exceeding one year or by both such fine and imprisonment in the discretion of the court

Section 14 Construction of Act This act shall be construed liberally to effectuate its purpose The enumeration by this act of specific powers and duties in trust indentures and other instruments shall not preclude or prevent the use exercise or enjoyment of additional powers and duties under or pursuant to such instruments or excuse the failure to exercise or perform such other powers or duties Nothing contained in this act shall be construed to repeal any other provision of law except in so far as it is irreconcilably in conflict with a provision of this act in which event the latter shall control

Section 15 Right to Appeal Any person aggrieved by any determination hereunder shall have such right of appeal as is granted to a party to a special proceeding All proceedings and appeals hereunder shall be entitled to such preference as is granted in respect to plans of reorganization under the provisions of this act

Section 16 Separability The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this

act would have been adopted had such unconstitutional provision not been included therein

Section 17 Effective Date This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1963, entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Thomas,
Boose,	Hering,	O'Connor,	Thompson,
Boyer,	Hess,	O'Keefe,	Toole,
Bradley,	Hetrick,	Ominsky,	Tronzo,
Brancato,	Hindman,	O'Neill,	Trout,
Brigerman,	Hirsch,	Ostroff,	Tumelty,
Broad,	Holland,	Patterson, C. S.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Coakley,	Keenan,	Readinger,	Wampole,
Cohen, H. B.,	Kelso,	Reese,	Watkins,
Cohen, R. E.,	Kilroy,	Reising,	Webster,
Coleman,	Kline,	Richter,	Weidemann,
Coolahan,	Kroll,	Robinson,	Weiss, D. H.,
Corrigan,	LaRue,	Rothenberger,	Weiss, S. A.,
Costanzo,	Leisey,	Royer,	Welliver,
Davies,	Levy,	Ruffennach,	Welsh,
Decker,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Longaker,	Scanlon,	Whitenight,
Donohoe,	Lopresti,	Schor,	Wilson,
Dougherty,	Lovett,	Schrock,	Winner,
Downey,	Lyons,	Schrope,	Wood,
Dubbs,	Marino,	Schumacher,	Woodside,
Dyson,	Matthews, H. T.,	Serrill,	Wright,
Eckels,	Matthews, J. F.,	Shaw,	Yanoshat,
Elpern,	McArdle,	Shea,	Yeakel,
Falkenstein,	McCullough,	Shepard,	Yourishin,
Finnerty,	McDermott,	Shoemaker,	Zappala,
Fiss,	McDevitt,	Shugarts,	Furman,
Fitch,			

NAYS—2

McKinney, Muir,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 524, entitled:

An Act to amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" by providing for preferences to veterans in the appointment of such officers firemen operators and inspectors.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker and members of the House, there are three bills on today's third reading calendar, House Bill No. 524 being the first, No. 525 being the second, No. 523 being the third, which just about take away all of the civil service we now have in the Commonwealth and in the various communities of the State. House Bill No. 524 not only gives veterans of past wars an additional five percent, and veterans who have been wounded an additional five or ten percent, but it eliminates the eligibility list of civil service completely. In other words, after a soldier has taken a civil service examination, has gotten his additional five or ten percent and has made, let us say, a grade of seventy-five, he goes to the top of the list as far as appointments are concerned. In other words, a veteran with a passing grade of seventy-five comes before a person who has passed that very same examination with a grade of ninety-five or ninety-eight.

This bill also eliminates the age provision in most of our civil service bills. A veteran will be able to take the examination for a fireman, let us say, who is over the age of thirty-five. I sincerely feel that these three bills do go entirely too far. I cannot for the life of me understand why we should discriminate against men and women who many, many years ago were too young to fight, and yet that is exactly what we are doing here. I wonder if this were to be carried to an extreme how members of labor organizations would feel if veterans of foreign wars in those organizations would get preference to positions. I think that the time has come to put a stop to this special sort of privilege and I think we should not pass any one of these three measures.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Simpson,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine	Habbyshaw,	Merrell,	Snyder,
Baker, F. T.,	Haberlen,	Mihm,	Sollenberger,
Baker, J. J.,	Hagerty,	Moomaw,	Spengler,
Balthaser,	Hall,	Mooney,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Trout,
Brancato,	Hindman,	Ominsky,	Tumelty,
Brigerman,	Hirsch,	O'Neill,	Turner,
Broad,	Holland,	Patterson, C. S.,	Valibus,
Brown,	Holmes,	Peale,	VanAllsburg,
Brownfield,	Holstrom,	Pearson,	VanSickle,
Burrows,	Hontz,	Perry,	Vogt,
Cadwalader,	Horting,	Pershing,	Wagner,
Caesar,	Huntley,	Piole,	Wall,
Caputo,	Imbrie,	Powers,	Walsh,
Chervenak,	Kane,	Preston,	Wampole,
Coakley,	Keenan,	Readinger,	Watkins,
Cohen, H. B.,	Kelso,	Reese,	Webster,
Coleman,	Kilroy,	Reising,	Weidemann,
Coolahan,	Kline,	Richter,	Weiss, D. H.,
Corrigan,	Kroll,	Robinson,	Weiss, S. A.,
Costanzo,	LaRue,	Rothenberger,	Welliver,
Davies,	Leisey,	Royer,	Welsh,
Decker,	Levy,	Ruffennach,	Westrick,
DeNote,	Lewis,	Rush,	Whalen,
Dickinson,	Long,	Sarraf,	Whitenight,
Donohoe,	Longaker,	Scanlon,	Wilson,
Dougherty,	Lopresti,	Schor,	Winner,
Downey,	Lovett,	Schrock,	Wood,
Dubbs,	Lyons,	Schrope,	Woodside,
Dyson,	Marino,	Schumache	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Eipern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shoemaker,	Zappala,
Fiss,	McDermott,	Shugarts,	Furman,
Fitch,	McDevitt,		

NAYS—5

Cohen, R. E.,	Ostroff,	Shepard,	Tronzo,
Moran,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 525, entitled:

An Act to amend clause A of section three hundred two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended providing further preferences to veterans in civil service examinations

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHEPARD. Mr. Speaker, I would like to interrogate the sponsor of this bill, the gentleman from Erie, Mr. Gorski.

The SPEAKER. Will the gentleman from Erie permit himself to be interrogated?

Mr. GORSKI. I will, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I would like the sponsor of this bill to explain its purpose.

Mr. GORSKI. Mr. Speaker, the three bills referred to by Mr. Tronzo do nothing more than extend the legislation now on our statute books. An examination of legislation in regard to this subject discloses the fact that House Bill No. 524 just passed, and House Bills Nos. 525 and 523 are only a repetition of the legislation which has been on the statute books for may years.

The reason for introducing House Bill No. 524 is because the Act of 1923 did not specifically repeal the third class city code of 1931, nor did it make any reference in that act that is was changing the law in regard to veterans. A veteran has had the right to take a Federal civil service examination for many years without any age limitation.

As early as 1887 veterans of the Civil War had a preference for appointment and employment in every public department and upon all public works of the State of Pennsylvania. In 1906 The Civil Service regulation of cities of the first class did not apply to veterans who could be appointed without civil service examination. 1907 a preference in appointment in civil service in cities of the second class was given to honorably discharged soldiers and sailors of the Civil War, which act applied to policemen and firemen. It is to be noted that this act gave a preference in appointment some forty-two years after the Civil War. This act was extended in 1919 to include a veteran who served in the World War.

On May 3, 1917 a Civil Service Board for cities of the third class was created for the Fire Department and it was provided, "That among those persons possessing equal qualifications and eligibility for appointment preference in appointment shall be given to men who have served as volunteer or call firemen and honorably discharged soldiers and sailors who served in the Navy or Army of the United States during time of war." This preference was continued to the Health Officers, Sanitary Policemen and Inspectors of the Health Department by amendment of 1927 and it also applied to the Police Department, Engineering Department, Electrical Department and Building Inspectors without any age limitation. It is to be noted that this act was passed shortly after the declaration of war, at which time the public would recall the many promises made to the men who enlisted and were drafted that they would be well taken care of after the war.

In 1919 the Civil Service Act was passed without giving veterans a perference in appointment nothwithstanding the fact that the names of such soldiers, sailors and marines were not among the names standing highest

upon the eligible list. The appointment should be made without regard to any age limitation now provided for by law or the rules and regulations of any board or commission having in charge civil service regulations in any county, city or borough. Again it is to be noted that this act was passed about the time that the veteran was returning from the World War and this would clearly indicate the intention of the Legislature to fulfill the many promises made to the veteran.

In 1923 the veterans were given a fifteen percent preferred grading in civil service examinations in all municipal agencies for their military experience and training. The bills in question were originally drawn at this old rate of fifteen percent, but the committee passing upon these bills decided that five percent was sufficient, and, in the case of disabled soldiers ten percent. These bills do nothing more than extend the legislation now on the statute books and this bill is for the purpose of clarifying a misunderstanding created by virtue of the fact that the Act of 1933 made no reference to the veteran and did not repeal the Act of 1931 which gave veterans a preference in addition to the grading called for in that bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McFall,	Shugarts,
Alexander,	Flannery,	McGee,	Siegel,
Allen,	Flinchbaugh,	McKinney,	Simon,
Allmond,	Ganser,	McShane,	Simpson.
Arnold,	Gerard,	Melchiorre.	Skale,
Atkins,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin.	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall.
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood.
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel.
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy.		

NAYS—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 523, entitled:

An Act to amend section two of the act approved the eleventh day of May one thousand nine hundred and twenty-three (P. L. 203) entitled "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged and having an honorable discharge therefrom shall receive credit for the experience and training derived from such service in civil service examinations" by giving such persons certain additional preferences in civil service examinations.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McFall,	Shugarts,
Alexander,	Flannery,	McGee,	Siegel,
Allen,	Flinchbaugh,	McKinney,	Simon,
Allmond,	Ganser,	McShane,	Simpson,
Arnold,	Gerard,	Melchiorre,	Skale,
Atkins,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Smith, John A.,
Baker, F. T.,	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood.
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel.
Falkenstein,	McDevitt,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McCullough,	Shoemaker,	Furman,
Fitch,	McElroy,		

NAYS—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1767, entitled:

An Act to amend section one of the act approved the thirtieth day of April one thousand nine hundred twenty-nine (P. L. 874) entitled "An act relating to judicial sales and sales upon writs of execution or otherwise and preserving the lien of mortgages on real estate other than upon unseated lands" by exempting liens for State taxes from the provisions of the act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee.	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to call up at this time House Bill No. 732, Printer's No. 690, on page 33, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SAMUEL A. WEISS,

The House resumed the consideration on third reading of House Bill No. 732, entitled:

An Act providing for and regulating the appointment, promotion and reduction in rank and removal of paid members of the Bureau of Police, Bureau of Detectives, Police Women, Bureau of Electricity in connection with police departments, Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities (except cities of the first class) boroughs towns and townships maintaining a uniformed police force creating a civil service commission in each county city borough town and township defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities boroughs towns and townships imposing penalties and repealing inconsistent laws

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MOOMAW. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. MOOMAW. Mr. Speaker, will the gentleman from Allegheny advise the House if this bill applies to all policemen in boroughs and townships where they may only have one policeman.

Mr. SAMUEL A. WEISS. It does, Mr. Speaker.

Mr. MOOMAW. Mr. Speaker, does it mean that they would have to set up a civil service arrangement in each borough for this single police officer?

Mr. SAMUEL A. WEISS. It does, Mr. Speaker.

Mr. MOOMAW. Mr. Speaker and members of the House, this bill has been on the postponed calendar for some period of time. I believe that if we could set up a system whereby it affected the police officers in the boroughs or municipalities which really have a police force, that such a measure would have real merit, but to set up in each small borough and township, where in many instances, as the sponsor has stated, they only have one officer, I think we are placing upon those small boroughs and townships something that is entirely out of keeping with the real principles of a civil service measure.

For that reason I will be compelled to oppose this measure when the same comes up for a vote.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I ask the membership to vote for this measure because it gives to the policemen in the various townships the same rights and privileges that the police of second class, second class A and third class cities now enjoy. I say, if we are to have a better administration

of justice, let us put the police in any municipality under civil service. If they render an efficient service in the community, I say let them be retained. This will have a tendency to keep the policemen out of politics because in some communities politics does play a rather prominent part just now.

Mr. Speaker and members of the House, I can see no reason why the smaller communities and municipalities through the Commonwealth should not enjoy the very same privileges given to the policemen of the larger cities and localities. I therefore ask the membership of the House to vote "aye."

Mr. BAINE. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. BAINE. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Weiss, since he has admitted that this bill would establish a civil service commission in practically every township and borough in Pennsylvania, whether or not in a case where a township constable is the only member of the police force, this bill would not be setting up a civil service commission that would be practically inactive and ineffective.

Mr. SAMUEL A. WEISS. Mr. Speaker, the situation referred to in the question of the gentleman from my district would be a rare one. There are cases or examples in the Commonwealth where a commission would be appointed for perhaps one or two policemen, but that is the exception rather than the rule. I say it will be necessary to set up a commission, whether it be for one policeman or whether it be for twenty policemen. The municipality will not incur any additional expense by reason of the creation of this commission, as I feel that men of responsibility in the community would be glad to serve without compensation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—98

Baine	Ganser,	Moran,	Shepard,
Baker, J. J.,	Gerard,	Muir,	Shoemaker,
Bierly,	Harkins,	Munley,	Sloan,
Boyer,	Hering,	Nagel,	Smith, James A.,
Brancato,	Hess,	O'Brien,	Spengler,
Brigerman,	Hirsch,	O'Connor,	Stank,
Broad,	Holland,	Ominsky,	Thompson,
Brown,	Holstrom,	O'Neill,	Tronzo,
Cadwalader,	Hontz,	Ostroff,	Tumelty,
Chervenak,	Horting,	Patterson, C. S.,	Valibus,
Coakley,	Keenan,	Pearson,	VanSickle,
Cohen, H. B.,	Kilroy,	Perry,	Vogt,
Cohen, R. E.,	Kline,	Powers,	Wagner,
Coolahan,	Kroll,	Preston,	Walsh,
Corrigan,	Levy,	Readinger,	Watkins,
Costanzo,	Long,	Reese,	Weidemann,
Dickinson,	Longaker,	Reising,	Weiss, D. H.,
Donohoe,	Lopresti,	Robinson,	Weiss, S. A.,
Dougherty,	Marino,	Ruffennach,	Welsh,
Downey,	McDermott,	Rush,	Westrick,
Dubbs,	McElroy,	Sarraf,	Whalen,
Falkenstein,	McGee,	Scanlon,	Whitenight,
Finnerty,	McShane,	Schor,	Winner,
Fiss,	Mihm,	Schrope,	Yourishin,
Flannery,	Mooney,	Shaw,	Zappala,

NAYS—59

Achterman,	Gorski,	Matthews, H. T.,	Siegel,
Allen,	Habbyshaw,	McCullough,	Simon,
Allmond,	Haberlen,	McFall,	Simpson,
Arnold,	Hagerty,	McKinney,	Snyder,
Aukerman,	Hall,	Mellott,	Sollenberger,
Baker, F. T.,	Hamilton, F. P.,	Merrell,	Stewart,
Balthaser,	Hamilton, R. S.,	Moomaw,	Trout,
Bohn,	Hays,	Peale,	VanAllsburg,
Boose,	Holmes,	Richter,	Wampole,
Brownfield,	Huntley,	Rothenberger,	Webster,
Burrows,	Kelso,	Royer,	Welliver,
Decker,	LaRue,	Schrock,	Wood,
Eckels,	Leisey,	Schumacher,	Woodside,
Elpern,	Lovett,	Serrill,	Yeakel,
Gillette,	Lyons,	Shugarts,	Furman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL PASSED OVER

There being no objection House Bill No. 1792, Printer's No. 820 was passed over at the request of the majority floor leader Mr. SAMUEL A. WEISS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1093, entitled:

An Act to amend clause XLIX of section one thousand two hundred of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to expend moneys for the purchase and planting of trees

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,

Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1323, as follows:

An Act to amend section one thousand and thirty-eight of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred and nineteen) entitled "An act concerning boroughs and revising amending and consolidating the laws relating to boroughs" as amended extending the time within which appeals from auditors' reports may be taken

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and thirty-eight of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred and nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which was amended by section nine of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred and eighty-six) is hereby further amended to read as follaws

Section 1038 Appeals from Audit It shall be lawful for the borough or any taxpayer thereof on its behalf or any officer whose account is settled or audited to appeal from the settlement or audit to the Court of Common Pleas of the county but not later than [forty] forty-five days from the completion of the audit as shown by the posted handbills or the statement filed with the clerk of the Court of Quarter Sessions

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pershing,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pearson,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

TIME EXTENDED ON BILL

Mr. JAMES A. SMITH. Mr. Speaker, I move that the time on House Bill No. 1222, Printer's No. 686, entitled:

An Act to amend section three of the act, approved the third day of May, one thousand eight hundred fifty (Pamphlet Laws, six hundred fifty-four), entitled "An act providing for the election of district attorneys", by changing the power of appointment in cases of vacancies in the office of district attorney.

on page 33 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1751, entitled:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value providing a procedure by which the actual value of such property when purchased by or for the holder of the mortgage may be determined and credited on the mortgage debt and providing a limitation of time within which such procedure may be invoked

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stank,
Blank,	Hamilton, F. P.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1105, entitled:

An Act to amend section one as amended and section two of the act approved the twenty-eighth day of June one thousand nine hundred and seventeen (Pamphlet Laws 645) entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name style or designation unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary requiring county commissioners at the expense of the county to provide books for the entry of such certificates fixing the fees of the Secretary of the Commonwealth and prothonotary and providing penalties" providing for the filing of certificates showing changes of address

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, J. F.,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2029, entitled:

An Act to amend article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and reviving amending and consolidating the laws relating thereto" authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Ehrn,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1651.

An Act to amend the act, approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858), entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, by inserting in line 23, after the word "also" the words "but only for the purposes of this act"; also in lines 24 and 25 by striking out the words "of The General State Authority paid on a yearly or monthly basis if the General State Authority" and inserting in lieu thereof the following: "of any seperate independent public corporation created by act of assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such public corporation".

Amend Section 3, page 13, by striking out in lines 8 to 10 inclusive the following: "Within sixty days following the enactment of this law a retirement board to be known as" and inserting in lieu thereof the following: "On the first day of June one thousand nine hundred thirty-seven"; also in lines 10 and 11 by striking out the words "consituated within" and inserting in lieu thereof the words "transferred from"; also in same line by striking out the word "Treasury"; also in same line by striking out the light-faced bracket before the word "of"; also same line by striking out the light-faced bracket after the word "State"; also at the end of the same line by striking out the word "which" and inserting in lieu thereof the words "to the Treasury Department and."

Amend Section 6, page 27, by inserting after the word "service" at the end of line 10 the words "or voluntarily after having completed twenty-five years of total service".

Amend Section 9, page 35, by striking out at the beginning of line 26 the word "within" and inserting in lieu thereof the words "and transferred from"; also in same line by striking out the word "Treasury"; also in same line by striking out the light-faced bracket before the word "of"; also in same line by inserting a light-faced bracket before the word "and"; also at the end of same line by inserting after the word "Finance" the words "to the Treasury Department"; also on page 36 by inserting after line 6 the following new section:

"Section 10 The members officers and emplcyes of the State Employes' Retirement Board which is transferred by this act from the Department of State to the Treasury Department shall continue to be the members officers and employes of such board and to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions Provided however That on and after the first day of June one thousand nine hundred thirty-seven the State Treasurer shall be the chairman of the board in lieu of the Secretary of the Commonwealth"

Amend Section 10, page 36, by striking out in line 7 the figures "10" and inserting in lieu thereof the figures

"11"; also in line 8 by inserting after the word "enactment" the following:

"Provided however That the provisions of this act transferring the State Employes' Retirement Board from the Department of State to the Treasury Department shall not become effective until the first day of June one thousand nine hundred thirty-seven."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

RECALLING HOUSE BILL No. 185 FROM THE GOVERNOR

Mr. HERBERT B. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), that House Bill No. 185, Printer's No. 508, entitled "An act to provide for an additional law judge of the Court of Common Pleas in the twenty-first judicial district," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1173, Printer's No. 906, was passed over at the request of Mr. SPROUL.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2094, entitled:

An Act requiring all persons receiving garments for cleaning pressing or tailoring to issue receipts therefor specifying the extent of liability for the failure to return such garments and providing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flanagan,	McElroy,	Shoemaker,
Alexander,	Flannery,	McFall,	Shugarts,
Allen,	Flinchbaugh,	McGee,	Siegel,
Allmond,	Ganser,	McKinney,	Simon,
Arnold,	Gerard,	McShane,	Simpson,
Atkins,	Gillette,	Melchiorre,	Skale,
Aukerman,	Gorski,	Mellott,	Sloan,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Smith, John A.,
Baker, J. J.,	Hagerty,	Moomaw,	Snyder,
Balthaser,	Hall,	Mooney,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moran,	Spengler,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stockham,
Boies,	Harmuth,	Munley,	Strode,
Boltz,	Hays,	Murrin,	Terry,
Boose,	Hering,	Nagel,	Thomas,
Boyer,	Hess,	O'Brien,	Thompson,
Bradley,	Hetrick,	O'Connor,	Toole,
Brancato,	Hindman,	O'Keefe,	Tronzo,
Brigerman,	Hirsch,	Ominsky,	Trout,
Broad,	Holland,	O'Neill,	Tumelty,
Brown,	Holmes,	Ostroff,	Turner,
Brownfield,	Holstrom,	Patterson, C. S.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Caesar,	Horting,	Pearson,	VanSickle,
Caputo,	Huntley,	Perry,	Vogt,
Chervenak,	Imbrie,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Richter,	Weiss, D. H.,
Davies,	Leisey,	Robinson,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shaw,	Zappala,
Fiss,	McDermott,	Shepard,	Furman,
Fitch,	McDevitt,		

NAYS—6

Cadwalader,	Sproul,	Wood,	Yeakel,
Rothenberger,	Stewart,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1470, entitled:

An Act regulating the time for appeals in cases where petitions have heretofore been or shall hereafter be presented for reconsideration of or reargument on judgments and decrees

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1820, as follows:

An Act to amend section three of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (P. L. 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" reducing the number of days during which exhibitions need be held

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (P. L. 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" is hereby amended to read as follows

Section 3 No incorporated county agricultural association shall be entitled to the benefits of this act unless it shall hold an annual exhibition in the interest of stock-raising grain poultry handiwork dairy products and the like Such exhibitions shall continue at least three days Provided That the Auditor General shall have power to extend the benefits of this act to any incorporated county agricultural association whose exhibition continues less than three days in any county where no county agricultural association holds an exhibition for a three day period

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,

Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1651.

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, further defining State employes; providing for retirement allowances where all back deductions have not been paid; specifying when State employes shall join the system; imposing certain duties on the heads of agencies of the State government; fixing the liability of certain special operating funds; further regulating retirements rights, retirement allowances, withdrawals and the computation of service allowances; imposing certain duties on the board; transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1049, entitled:

An Act providing for the creation of a legal holiday on April 3 1938 to be known and observed as "Forefathers Day"

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Aukerman.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. AUKERMAN. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, I would like to ask the gentleman from Blair, Mr. Aukerman, if he does not think we have enough legal holidays now. I would like to observe Forefathers' Day too, but I believe we have sufficient holidays in the year now.

Mr. AUKERMAN. Mr. Speaker, in answer to the question of the gentleman from Delaware, Mr. Sproul, I wish to advise him that this holiday will only be for the year 1938.

Mr. SPROUL. Mr. Speaker, does the gentleman mean it will be observed for just one day in 1938?

Mr. AUKERMAN. That is right, Mr. Speaker, and in addition to that it is to celebrate the three hundredth anniversary of the landing of the Swedish vessels in what is now the Port of Philadelphia. This is in line with other tercentenary celebrations in other states of the United States and I think it rightfully deserves consideration and recognition by our State.

Mr. SPROUL. Mr. Speaker and members of the House, I want to thank the gentleman. I would like to make a little remark. My colleague said that we in the Legislature here do nothing for four months and we ought to give the other fellows a chance to have a holiday.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,

Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch.	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2115, entitled:

An Act relating to criminal prosecutions limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Vallbus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1493, entitled:

An Act prohibiting certain persons from selling taking orders for delivering or being interested in the manufacture or sale of machinery equipment materials feed supplies or other things used by milk producers and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Vallbus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—1

Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2219, (Senate Bill No. 745), entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner defining non-cancellable health and accident insurance.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker. J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Bradley,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout.
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus.
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2223, (Senate Bill No. 755), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, J. J.,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hall,	Mooney,	Spengler,
Balthaser	Hagerty,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin.	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,

Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2222, (Senate Bill No. 749), entitled:

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2220, (Senate Bill No. 746), entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by extending the purposes for which companies may be incorporated to include insuring glass against all risk insuring any goods or premises against any and all loss caused by water and insuring moneys and securities against all risk

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. L.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,

Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shugarts,	Zappala,
Fitch,	McElroy,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2217, (Senate Bill No. 388), entitled:

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws 470) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the words "drugs" prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan,	McFall,	Shugarts,
Alexander,	Flannery,	McGee,	Siegel,
Allen,	Flinchbaugh,	McKinney,	Simon,
Allmond,	Ganser,	McShane,	Simpson,
Arnold,	Gerard,	Melchiorre,	Skale,
Atkins,	Gillette,	Mellott,	Sloan,
Aukerman,	Gorski,	Merrell,	Smith, James A.,
Baine,	Haberlen,	Mihm,	Smith, John A.,
Baker, F. T.,	Hagerty,	Moomaw,	Snyder,
Baker, J. J.,	Hall,	Mooney,	Sollenberger,
Balthaser	Hamilton, F. P.,	Moran,	Spengler,
Bierly,	Hamilton, R. S.,	Moul,	Sproul,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boles,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Vallbus,

Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Kane,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Kline,	Reese,	Wampole,
Coleman,	Kroll,	Reising,	Watkins,
Coolahan,	LaRue,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
Decker,	Long,	Ruffennach,	Welsh,
DeNote,	Longaker,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Wood,
Dubbs,	Matthews, H. T.,	Schrope,	Woodside,
Dyson,	Matthews, J. F.,	Schumacher,	Wright,
Eckels,	McArdle,	Serrill,	Yanoshat,
Elpern,	McCullough,	Shaw,	Yeakel,
Falkenstein,	McDermott,	Shea,	Yourishin,
Finnerty,	McDevitt,	Shepard,	Furman,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch			

NAYS—3

Habbyshaw,	Weidemann,	Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2198, (Senate Bill No. 104), entitled:

An Act authorizing boroughs that have, relying on invalid bond issues authorized by the electors, entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed, to provide for the payment of the reasonable value of such performance, to contract for completion, and to increase their indebtedness therefor; and validating ordinances, agreements, increases of indebtedness and bonds heretofore adopted, entered into, issued or to be issued to accomplish such purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,

Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2221, (Senate Bill No. 747), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing the manner in which dividends on contributory group insurance policies are to be apportioned.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1257, entitled:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" increasing the maximum width of public roads

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,

Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1780, entitled:

An Act to amend section five and sections sixteen seventeen and twenty-one as amended of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 710) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" by providing for promoters partnerships and copromoters a bond to protect contestants managers and officials changing license fees for promoters boxers seconds managers and wrestlers and requiring payments to the Commonwealth for complimentary tickets

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 81, entitled:

An Act authorizing Courts of Common Pleas to stay writs of eviction against certain classes of tenants in certain cases providing for continuance of return days for writs of eviction and authorizing the execution thereof without issuance of further writs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,

Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2226, (Senate Bill No. 814), entitled:

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies for taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" empowering the Insurance Commissioner to make periodical examination of such societies and requiring such societies to furnish the Insurance Commissioner with any information he may desire providing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Simpson,
Arnold,	Ganser,	McKinney,	Skale,
Atkins,	Gerard,	McShane,	Sloan,
Aukerman,	Gillette,	Melchiorre,	Smith, James A.,
Baine,	Gorski,	Mellott,	Smith, John A.,
Baker, F. T.,	Habbyshaw,	Mihm,	Snyder,
Baker, J. J.,	Haberlen,	Moomaw,	Sollenberger,
Balthaser,	Hagerty,	Mooney,	Spengler,
Bierly,	Hall,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Hamilton, F. P.,	Muir,	Stockham,
Boles,	Harkins,	Munley,	Strode,
Boltz,	Harmuth,	Murrin,	Terry,
Boose,	Hays,	Nagel,	Thomas,
Boyer,	Hering,	O'Brien,	Thompson,
Bradley,	Hess,	O'Connor,	Toole,
Brancato,	Hetrick,	O'Keefe,	Tronzo,
Brigerman,	Hindman,	Ominsky,	Trout,
Broad,	Hirsch,	O'Neill,	Tumelty,
Brown,	Holland,	Ostroff,	Turner,
Brownfield,	Holmes,	Patterson, C. S.,	Valibus,
Burrows,	Holstrom,	Peale,	VanAllsburg,
Cadwalader,	Hontz,	Pearson,	VanSickle,
Caesar,	Horting,	Perry,	Vogt,
Caputo,	Huntley,	Pershing,	Wagner,
Chervenak,	Imbrie,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrope,	Wright,
Dyson,	Marino,	Schumacher,	Yanoshat,
Eckels,	Matthews, H. T.,	Shaw,	Yeakel,
Elpern,	Matthews, J. F.,	Shea,	Yourishin,
Falkenstein,	McArdle,	Shepard,	Zappala,
Finnerty,	McCullough,	Shoemaker,	Furman,
Fiss,	McDermott,		

NAYS—6

Merrell,	Serrill,	Wood,	Woodside,
Schrock,	Stewart,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Mr. SAMUEL A. WEISS asked and obtained unanimous consent to call up House Bill No. 1792, Printer's No. 820, on page 25, of today's calendar, bill on third reading which was passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1792, entitled:

An Act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Allegheny advise the House as to the money which will have to be deposited by candidates for office?

Mr. SAMUEL A. WEISS. Mr. Speaker, under the various provisions of House Bill No. 1792, known as the new election code, candidates for certain offices are required to make deposit except in cases where the offices are municipal offices and they are not remunerative, in which cases no fees are required. For instance, a candidate running for school director or a member of council of a borough would not be required to file any deposit. A candidate running for Legislature would be required to put up a deposit of twenty-five dollars; a candidate for Congress would be required to put up a deposit of thirty-five dollars, I believe, and candidate for judge, a candidate running for any other municipal office would be required to put up deposits according to the office for which they run. However, if they poll a certain percentage of the vote, two percent of the vote cast for the candidate leading the ticket, that deposit is refunded.

Mr. TURNER. Mr. Speaker, if the candidate is nominated again, he has to put up some money, does he not?

Mr. SAMUEL A. WEISS. Mr. Speaker, that is right.

Mr. TURNER. Mr. Speaker, will the gentleman from Allegheny advise the House how much a candidate for General Assembly would have to put up?

Mr. SAMUEL A. WEISS. I think twenty-five dollars, Mr. Speaker.

Mr. TURNER. Mr. Speaker and members of the House, this bill represents quite a departure in the Commonwealth of Pennsylvania. While there is certainly some merit in preventing the ballot from being cluttered with a lot of candidates who really do not have any standing, having perhaps only one or two supporters, at the same time I am rather amazed that my friends on the other side of the House would introduce a bill which is going to make it very difficult for the poor man to become a candidate for office in Pennsylvania. As you have heard the gentleman say, a man who wanted to run for a statewide office must put up seven hundred and fifty dollars; a man who wants to run for Congress or for judge of the courts would have to put up three hundred and fifty dollars; a candidate for the General Assembly must put up two hundred dollars, a candidate for any borough, township, school district or poor district office, or the office of alderman, justice of the peace or constable would have to put up fifty dollars. I do not know whether there has been an about face on the part of some of my friends on the other side, and they are now trying to make running for office exclusive or not. But, it seems to me, we ought to consider very carefully whether this may not preclude many a poor man who does not have the means to put up the deposit or who does not have a political organization in back of him which might supply the funds from being a candidate for office.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, the gentleman from Delaware has evidently misinterpreted the provisions of this bill as to the deposits required. Only when a group of nomination papers are filed by a political party, as you will see on pages 84, 85 and 86 of this bill, is there required the deposit just stated by my friend, the gentleman on the other side of the House. For groups of presidential electors a deposit of one thousand dollars is required; for judges of the Supreme and Superior Courts a deposit of seven hundred and fifty dollars is required; for representatives in Congress and judges of courts of record a deposit of three hundred and fifty dollars is required; for representatives in the General Assembly a deposit of two hundred and fifty dollars is required. This is only when nomination papers are filed by a political party, by the party itself. All the candidate is required to deposit when he files nomination papers is twenty-five dollars.

Mr. Speaker and members of the House, certainly any candidate for the office of General Assembly should be of such standing that he should be able to put up a deposit of twenty-five dollars when running for office. I do not think there is a member of this House who will object to that provision in the bill. It has usually been the case that political parties have at times attempted to clutter up the ballot in order to prevent the use of voting machines for which the taxpayers of this Commonwealth have spent millions of dollars, by running for office John Smith, John Doe or Mike Jones, as these names might conflict with the regularly known candidates of the major political parties. This would not prevent a candidate running for some small municipal office. It would not require any deposit, as I said a moment ago, unless that office brings in some financial income.

Mr. Speaker and members of the House, there are other provisions of this bill, which are the culmination of the efforts of the Secretary of the Commonwealth over a period of two years in trying to unify and consolidate the inconsistent provisions that now exist in the present election laws of this Commonwealth, together with the many amendments offered over a period of years. I say it will prevent the appelation by mushroom parties which grow up over night and clutter up our ballot and prevent the use of voting machines.

There are other provisions of this bill which I claim redeem a pledge made by the Democratic party to give to the people of this Commonwealth an election code that is uniform, and when permanent registration is also made uniform throughout the Commonwealth, this election code will complete the culmination of efforts to give the people of the Commonwealth of Pennsylvania uniform election laws and prevent the wholesale frauds that have been apparent in the past.

I ask the membership to vote "aye."

Mr. TURNER. Mr. Speaker, the interpretation of the gentleman from Allegheny has made this bill much worse than I thought. I am afraid that the Democratic party has come to a point where they can be classed with economic royalists, because if I read the bill right, it means that if the party has to make the deposits, for two hundred and eight candidates for the General Assembly they would have to put up somewhere around forty-five

thousand dollars. If you had some members of the Senate to elect, say twenty-five, that is another five thousand dollars, which means fifty-thousand dollars to start with for the members of the House of Representatives and the Senate. Then, if you had to elect a Goevrnor, if you had to elect a couple of justices of the Supreme Court, this would be seven hundred and fifty dollars each. If you had judges of your lower courts to be elected at the same time, or candidates for county offices, I can see very readily that it would cost almost one hundred thousand dollars before any party could put a complete set of candidates in the field. I realize that the Democratic party is pretty well forfeited, but I am wondering whether this is going to give us poor Republicans any chance to put up a state-wide ticket in the fall. I am very much confused in this thing in my own mind because this is such an about face on the part of the Democrats, and I would like to have some further explanation from the gentleman from Allegheny.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I believe the gentleman from Delaware ought to know that this requirement on page 84 is only for the permission of new parties who want to run a string of candidates in any election. As far as the Republican party or the Democratic party is concerned, none of the major political parties of this Commonwealth, or even some of the other minor parties, for instance, the Independent party, if they poll two percent of the total number of votes cast for the leading candidate, would be affected by the provisions of this law, but it applies only to such parties as the Old Age Pension party, the Townsend party, which usually originate at every election and make it confusing to the electorate. These deposits might prevent such parties from preempting a party appelation and submitting a list of candidates. I believe that this is a progressive measure and is in the interest of clean elections in order to prevent frauds, and I again ask the membership of the House to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—110

Achterman,	Dubbs,	Lovett,	Robinson,
Alexander,	Falkenstein,	Marino,	Ruffennach,
Arnold,	Finnerty,	Matthews, H. T.,	Rush,
Aukerman,	Flannery,	McCullough,	Sarraf,
Baine,	Ganser,	McDermott,	Scanlon,
Baker, J. J.,	Gerard,	McElroy,	Schrope,
Balthaser,	Haberlen,	McGee,	Shaw,
Bierly,	Hagerty,	McShane,	Shepard,
Bohn,	Hamilton, F. P.,	Melchiorre,	Shoemaker,
Boles,	Harkins,	Mellott,	Shugarts,
Boltz,	Harmuth,	Mihm,	Smith, John A.,
Bradley,	Hering,	Moomaw,	Spengler,
Broad,	Hess,	Mooney,	Stank,
Brown,	Hetrick,	Moran,	Thompson,
Brownfield,	Hindman,	Moul,	Toole,
Caputo,	Hirsch,	Nagel,	Tronzo,
Chervenak,	Holland,	O'Brien,	Tumelty,
Cohen, H. B.,	Holmes,	O'Keefe,	Valibus,
Cohen, R. E.,	Hontz,	Ominsky,	Wagner,
Coleman,	Horting,	Ostroff,	Walsh,
Coolahan,	Kane,	Patterson, C. S.,	Weiss, S. A
Corrigan,	Keenan,	Pearson,	Welliver,
Decker,	Kelso,	Pershing,	Whalen,
DeNote,	Kroll,	Powers,	Wright,
Dickinson,	LaRue,	Preston,	Yanoshat,
Donohoe,	Levy,	Readinger,	Yourishin,
Dougherty,	Lewis,	Reese,	Zappala,
Downey,	Long,	Reising,	Furman,

NAYS—38

Baker, F. T.,	Longaker,	Serrill,	Wall,
Boose,	Lyons,	Sloan,	Watkins,
Boyer,	Matthews, J. F.,	Snyder,	Webster,
Brancato,	McKinney,	Sollenberger,	Weidemann,
Cadwalader,	Merrell,	Stewart,	Wilson,
Fiss,	Muir,	Stockham,	Winner,
Habbyshaw,	Perry,	Terry,	Wood,
Hall,	Royer,	Trout,	Woodside,
Huntley,	Schrock,	Turner,	Yeakel,
Leisey,	Schumacher,	VanAllsburg,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILL No. 608 MADE A SPECIAL ORDER

Mr. SCANLON. Mr. Speaker, I move that House Bill No. 608, Printer's No. 660, entitled:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof; repealing inconsistent legislation; and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act.

on page 33 of today's calendar, bills on third reading postponed, be made a special order of business on Monday, May 17, 1937, at 10:00 p. m.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HIRSCH asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 12, 1937.

Resolved (if the Senate concur), That House Bill No. 185, Printer's No. 508, entitled "An act to provide for an additional law judge of the Court of Common Pleas in the twenty-first judicial district," be recalled from the Governor for the purpose of amendment.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 756.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and re-

gulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties a: d repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate or authority.

QUESTION OF PERSONAL PRIVILEGE

Mr. STOCKHAM. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. STOCKHAM. Mr. Speaker, I desire to correct the record of the Legislative Journal on page 1926, of the session of March 29, which records me as voting "aye" on House Bill No. 76. I desire this to be corrected as voting "no."

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1043.

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for state purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as following having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 756.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the admendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 639.

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board, conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government and courts, providing for the right of employes to organize and bargain collectively, declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes, authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining; empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board of petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the Common Pleas Court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

Mr. YOURISHIN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 228.

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined, prescribing the method and manner of collecting such tax and its disposition including appropriations for school purposes and for the purpose of administering this act and providing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, by inserting after the word "stores" in line 3 the words "theatre or theatres"; also in line 5 by inserting after the word "disposition" the words "including an appropriation for the purpose of administering this act."

Amend the Preamble, page 1, by striking out at the beginning of line 1 the word and figure "Section 1."

Amend Section 1, page 1, by inserting after the word "Store" in line 5 the words "and Theatre"; also on page 2, line 14, by striking out after the word "Any" the word "store" and inserting in lieu thereof the words "place of business"; also by striking out in lines 16 to 19 inclusive the words "The term "store" as used in this act shall be construed to mean or include only retail places of business and shall not include" and inserting in lieu thereof the words "Provided however That the term "store" as and when used in this act shall not include places of business commonly known as newstands and"; also by inserting after line 21 the following paragraph:

"Theatre any building or place for the production of theatrical entertainment including opera drama comedy vaudeville motion pictures or other shows or a combination thereof."

Amend Section 3, page 2, line 26, by inserting after the word "store" the words "or theatre"; also on page 3, line 1, by inserting after the word "store" the words "or theatre"; also in line 3 by inserting after the word "store" the words "or theatre"; also in line 4 by inserting after the word "store" the words "or theatre"; also in line 7 by inserting after the word "store" the words "or theatre."

Amend Section 4, page 3, line 16, by inserting after the word "store" the words "or theatre"; also in line 23 by inserting after the word "store" the words "or theatre."

Amend Section 5, page 4, line 3, by inserting after the word "stores" the words "or theatres"; also in line 6 by inserting after the word "stores" the words "or theatre or theatres"; also in line 8 by inserting after the word "store" the words "or theatre"; also in line 9 by inserting after the word "store" the words "or theatre"; also in line 10 by inserting after the word "stores" the words "or theatres"; also in line 11 by inserting after the word "store" the words "or theatre"; also in line 12 by inserting after the word "store" the words "or theatre"; also in line 13 by inserting after the word "stores" the words "or theatres"; also in line 14 by inserting after the word "store" the words "or theatre"; also in line 15 by inserting after the word "store" the words "or theatre"; also in line 16 by inserting after the word "stores" the words "or theatres"; also in line 17 by inserting after the word "store" the words "or theatre"; also in line 18 by inserting after the word "store" the words "or theatre"; also in line 19 by inserting after the word "stores" the words "or theatres"; also in line 20 by inserting after the word "store" the words "or theatre"; also in line 21 by inserting after the word "store" the words "or theatre"; also in line 22 by inserting after the word "stores" the words "or theatres"; also in line 23 by inserting after the word "store" the words "or theatre"; also in line 24 by inserting after the word "store" the words "or theatre"; also in line 25 by inserting after the word "stores" the words "or theatres"; also in line 26 by inserting after the word "store" the words "or theatre"; also in line 27 by inserting after the word "store" the words "or theatre"; also in line 28 by inserting after the word "stores" the words "or theatres"; also in line 29 by inserting after the word "store" the words "or theatre"; also on page 5, line 1, by inserting after the word 'store" the words "or theatre"; also in line 2 by inserting after the word "stores" the words "or theatres"; also in line 3 by inserting after the word "store" the words "or theatre"; also in line 4 by inserting after the word "store" the word 'or theatre"; also in line 5 by inserting after the word "stores" the words "or theatres"; also in line 7 by inserting after the word "store" the words "or theatre"; also in line 8 by inserting after the word "store" the words "or theatre"; also in line 9 by inserting after the word "stores" the words "or theatres"; also in line 11 by inserting after the word "store" the words "or theatre"; also in line 12 by inserting after the word "store" the words "or theatre"; also at the end of the same line by inserting after the word "stores" the words "or theatres"; also in line 14 by inserting after the word "store" the words "or theatre."

Amend Section 6, page 5, line 15, by inserting after the word "stores" the words "or theatres"; also in line 19 by inserting after the word "stores" the words "or theatres"; also in line 21 by inserting after the word "stores" the words "or theatres"; also in line 22 by striking out the word "untimately" and inserting in lieu thereof the word "ultimately"; also same line by inserting after the word "available" the words "as rental or in any other manner whatsoever."

Amend Section 7, page 5, line 27, by inserting after the word "store" the words "or theatre".

Amend Section 8, page 6, line 10, by inserting after the word "store" the words "or theatre".

Amend Section 9, page 6, line 25, by inserting after the word "and" and before the word "credited" the words "except as hereinafter otherwise provided shall be"; also by striking out in lines 26 to 29 inclusive on page 6 and lines 1 and 2 on page 7 the following: "and shall be available for the payment of any appropriations made from time to time to the Department of Public Instruction for payment to school districts of the fourth class for the salaries of members of the teaching staffs of schools of such districts in accordance with the provisions of law"; and inserting in lieu thereof the following: "Provided however That out of the revenues derived under the provisions of this act the Department of Revenue shall during the fiscal biennium beginning the first day of June one thousand nine hundred and thirty-seven pay into the General Fund the sum of one hundred fifty-one thousand five hundred and seventeen dollars ($151,517.00) and the said sum so paid into the General Fund is hereby appropriated to the Department of Revenue for the purpose of administering this act."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. STANK. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 916.

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in good wares and merchandise and providing for the collection of said tax' " by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

BILL AND MESSAGE LAID ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the bill together with the message from the Senate be laid upon the table.

The motion was agreed to.

BILLS ON FINAL PASSAGE

The SPEAKER. For the information of the House, Senate Bill No. 64, Printer's No. 525, through a clerical error does not appear on the final passage calendar today. However, the bill is printed and is on file on each member's desk. If there are no objections the Chair will lay the bill before the House. The Chair hears none.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2125, (Senate Bill No. 64), as follows:

An Act to establish a separate Orphans' Court in and for the County of Dauphin

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

Section 1 That in the County of Dauphin a separate orphans' court be and is hereby established the name and style of which shall be the Orphans' Court of Dauphin County which court shall be a court of record and shall consist of one judge learned in the law

Section 2 At the first municipal election which shall occur after the passage of this act a judge of the said court shall be elected and duly commissioned to hold office from the first Monday of January next succeeding such election for the same term and in the same manner as the judges of the Court of Common Pleas of the county The annual salary of the said judge shall be the same as is paid to the judges of the Court of Common Pleas of the said county and shall be paid in the same manner as the salaries of said judges of the Court of Common Pleas are now or may be hereafter made by law payable

Section 3 The terms of the said Orphans' Court shall be established by the judge thereof as he shall deem necessary and proper

Section 4 The said court shall have and exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts of this Commonwealth under and by virtue of the laws thereof

Section 5 The commissioners of the said county shall provide proper and suitable rooms in which the said orphans' court shall be held and its business transacted and in which the records thereof shall be safely and securely kept

Section 6 The Governor is hereby authorized to appoint one competent person learned in the law as such Orphans' Court Judge for the said Dauphin County to serve until the first Monday in January succeeding the next municipal election

Section 7 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ganser,	McKinney,	Simpson,
Alexander,	Gerard,	McShane,	Skale,
Allen,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stackpole,
Bohn,	Harkins,	Muir,	Stank,
Boles,	Harmuth,	Munley,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Strode,
Boyer,	Hess,	O'Brien,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Tool,
Broad,	Holland,	Ostraff,	Tronzo,
Brown,	Holmes,	Patterson, C. S.,	Trout,
Brownfield,	Holstrom,	Patterson, J. W.,	Tumelty,
Burrows,	Hontz,	Peale,	Turner,
Cadwalader,	Horting,	Pearson,	Valibus,
Caesar,	Huntley,	Perry,	VanAllsburg,
Caputo,	Imbrie,	Pershing,	VanSickle,
Chervenak,	Kane,	Piole,	Vogt,
Coakley,	Keenan,	Powers,	Wagner,
Cohen, H. B.,	Kelso,	Preston,	Wall,
Cohen, R. E.,	Kilroy,	Readinger,	Walsh,
Coleman,	Kline,	Reese,	Wampole,
Coolahan,	Kroll,	Reising,	Watkins,
Corrigan,	LaRue,	Richter,	Webster,
Costanzo,	Leisey,	Robinson,	Weidemann,
Davies,	Levy,	Rothenberger,	Weiss, D. H.,
Decker,	Lewis,	Royer,	Weiss, S. A.,
DeNote,	Long,	Ruffennach,	Welliver,
Dickinson,	Longaker,	Rush,	Welsh,
Donohoe,	Lopresti,	Sarraf,	Westrick,
Dougherty,	Lovett,	Scanlon,	Whalen,
Downey,	Lyons,	Schor,	Whitenight,
Dubbs,	Mallen,	Schrock,	Wilson,
Dyson,	Marino,	Schrope,	Winner,
Eckels,	Matthews, H. T.	Schumacher,	Wood,
Elpern,	Matthews, J. F.,	Serrill,	Woodside,
Falkenstein,	McArdle,	Shaw,	Wright,
Finnerty,	McCullough,	Shea,	Yanoshat,
Fiss,	McDermott,	Shepard,	Yeakel,
Fitch,	McDevitt,	Shoemaker,	Yourishin,
Flanagan,	McElroy,	Shugarts,	Zappala,
Flannery,	McFall,	Siegel,	Furman,
Flinchbaugh,	McGee,	Simon,	

NAYS—1

O'Connor,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2126, (Senate Bill No. 65), as follows:

An Act to amend section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the county of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Court of Common Pleas of the county of Dauphin and the judges of the Orphans' Court of Dauphin County [is] are hereby clothed with jurisdiction throughout the state for the purpose of hearing and determining all suits claims and demands whatever at law and in equity in the Court of Common Pleas of said county in which the [commonwealth] Commonwealth may be the party plaintiff for accounts unpaid balances unpaid liens taxes penalties and all other causes of action real personal and mixed

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker and members of the House, yesterday when this bill, and the bill which has been passed, were amended to make them become effective immediatly upon their final enactment, I made some remark about somebody being asleep. That remark was not directed to the majority floor leader of this House as might have appeared, nor to any other legislator who is a member of this House. As a matter of fact, some weeks ago I examined the bill of the gentleman from York, providing for the appointment of an Orphans' Court Judge in his own county and I noticed that he did have in his act a provision that the bill should become effective immediately upon its final enactment.

I should like to make a few remarks, however, concerning the general situation relative to the courts of Dauphin County, particularly relating to the bill which is now before us. The Dauphin County Court of Common Pleas is composed of three judges who receive for their work as such a salary of twelve thousand dollars a year. In addition to their duties as Common Pleas judges of Dauphin County, they have certain duties imposed by an act which the present bill proposes to amend, giving them state-wide jurisdiction in all cases in which the Commonwealth is a party, and for that service they receive an additional sum of three thousand dollars a year. Our courts are very busy as there is considerable work for them to do. We are very fortunate, however, in having very able and very competent members on this bench. Judge Hargest before he went on the bench served as a deputy attorney general; Judge Fox served three terms in the Pennsylvania Senate; Judge Wickersham served as a member of this body. All of them have been on the bench over sixteen years, are well versed in all Commonwealth matters and are very able and competent judges. All three have been elected on both the Republican and the Democratic tickets. They are not political judges. They are recognized by lawyers throughout the Commonwealth as being very able, very fair and as being well versed in all subjects which are brought before them. I stated that they are busy. They are. At times it is necessary for them to refer Orphans' Court cases to auditors, which causes some expense to the estates. In addition to that, from time to time they bring in outside judges to sit in the Common Pleas Court and in the Quarter Sessions Court. When they do that it is at an expense to the Commonwealth but never in excess of three thousand dollars a year, and that is more than offset by the advantage of running four courts at one time, which results in saving of witness fees and jury fees in an amount in excess of that which it cost to bring in the extra judge. Because we are entitled to an Orphans' Court under the Constitution of Pennsylvania and for the other reasons suggested Mr. Habbyshaw and I voted for the bill to establish an Orphans' Court and we asked our Republican colleagues to support it. However, the bill now before us provides that this Orphans' Court judge shall have the power and right to sit as a judge in Commonwealth cases. We think that is not necessary and I am going to ask the members of the House to vote "no" on this bill.

There are several reasons why we think this bill should be defeated. In the first place, although three thousand dollars a year is not a very large sum of money, nevertheless even though we are not in the horse and buggy days of economy, I think we should be interested in the taxpayers' money, even if it is only a small amount.

However, I think there is another and more important reason than this. The work in the Commonwealth cases is very difficult. It involves a great deal of tax work. Most lawyers know very little about the tax work that is handled by the Dauphin County judges. There are only a few specialists who really know a great deal about it. Our judges. are well versed in it, but a lawyer who becomes a member of the bench would have to spend considerable time on that subject before he would be competent to sit on those cases. In additon to that this judge is appointed primarily for service in the Orphans' Court, so that he has to be specialized in Orphans' Court work and Orphans' Court laws. A judge would not have the time necessary to become an expert in Orphans' Court law and at the same time to become expert on the law in Commonwealth cases. In addition to that, this judge who sits in the Orphans' Court has a right under law to serve in the Common Pleas and Quarter Sessions Court, and we hope that in Dauphin County the Orphans' Court judge will agree to perform that duty because it will save money to the county in witness fees and in jury fees.

We feel if the court is relieved of this work it will not be necessary to have another judge to help in the Commonwealth work.

I stated before that our courts are very busy, and they are. But in spite of that fact they are now and always have been up on their work. It is very, very rare indeed, that any case is in the hands of the court for two months before it is disposed of. In fact, it is a rare case that is not disposed of in less than one month.

It is not necessary to give this new judge jurisdiction in Commonwealth cases, and I do not think it is advisable.

Another thing that we should consider at this time is the fact that we will then have four judges sitting in Commonwealth work and there will be the possibility of a split vote or decision of two to two. That is a matter of some serious importance and serious consideration should be given to it. I know the Attorney General's office, from information that I have received, are not particularly interested in having this Orphans' Court judge receive Commonwealth jurisdiction. They know that the work is being handled very well, very competently and very satisfactorily at present.

I do not want you to infer from what I have said that the man whom the Governor is about to appoint to the Orphans' Court is not competent and capable of handling the work in Commonwealth cases. I understand that the man who is to be appointed is at present a deputy attorney general, and I know him to be a very able lawyer. In fact, I am sure that he, as well as the one whom the people will elect in November will be quite competent to serve in that capacity, but I think that it is unnecessary at this time to have an additional judge to sit in the Commonwealth cases. I think it is in the best interests of the administration of justice that this bill be voted down.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I just have a few comments to make in an effort to impress the membership of the House with the

reasonableness of this bill. It has been my pleasure to know the President Judge and the Associate Judges of the courts of Dauphin County, and I wish to assure the members of this House that I feel that they have very ably and competently handled the functions of their office, as well as additional functions imposed upon them as the tryers of Commonwealth cases.

For the benefit of the membership of the House, I think we should explain just what the function of the Dauphin County court really is, what functions they really perform, in addition to the functions which have been imposed upon that court in Commonwealth cases by law. This court is a sole court of appeal in any number of Commonwealth matters, matters having to do with the various boards and commissions of this Commonwealth and other functions of the government, and the jurisdiction of appeal in such cases is vested solely in the Court of Common Pleas of Dauphin County. In fact, the three judges of that Court of Common Pleas are made the sole tryers of those particular appeals. We feel that by Senate Bill No. 64, if the Senate concurs in the amendments we have placed in the bill, and the bill is finally signed by the Governor, we have relieved the Court of Common Pleas of Dauphin County from their obligation to Orphans' Court cases. We feel that all of the judges of Dauphin County, irrespective of whether they are judges of the Court of Common Pleas or judges of the Orphans' Court, should have imposed upon them the additional responsibility of being the tryer of Commonwealth cases. I personally can see no valid objection to extending the jurisdiction, which has been heretofore vested in the Court of Common Pleas in Commonwealth cases, to all of the judges of Dauphin County. With the establishment of a separate Orphan's Court judge in Dauphin County, and with the passing of the bill which is now before us, all of the judges of the courts of Dauphin County will have jurisdiction to try Commonwealth cases, the Common Pleas judges, as well as the Orphans' Court judges. There is no doubt that as we have gone through our legislative life and as the affairs of the Commonwealth have become more complex, there have been additional obligations imposed upon the court each year and each session. We are passing bills which are imposing additional obligations upon the courts of Dauphin County, which are the tryers of the law and even in some cases of the facts, in certain appeals from the commissions and boards of this Commonwealth. It is no more than fair that we should relieve the present Court of Common Pleas from its increased burden, from the increased functions that have been imposed upon it, by extending the jurisdiction to try Commonwealth cases to all of the judges of the courts of Dauphin County, thereby relieving the courts of Dauphin County from the necessity of calling in visiting judges to help out the courts of Common Pleas and the Courts of Quarter Sessions in the trial of their local judicial matters.

To those ends I ask the support of the House in this measure.

Mr. WOODSIDE. Mr. Speaker and members of the House, I do not desire to prolong the debate but I just want to state, in answer to what has just been said, that the courts of Dauphin County feel that if the Orphans' Court judge will sit in the Court of Common Pleas and in the Court of Quarter Sessions, as he has the right to, it will not be necessary for them to call in any outside judges to assist them in their work. They do not need this assistance in the trial of Commonwealth cases in order to discontinue the calling in of outside judges.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—112

Achterman,	Dougherty,	Lewis,	Schrope,
Allmond,	Downey,	Long,	Shaw,
Arnold,	Dubbs,	Lovett,	Shepard,
Baine,	Falkenstein,	Marino,	Shoemaker,
Baker, J. J.,	Finnerty,	McCullough,	Shugarts,
Balthaser	Flanagan,	McDermott,	Siegel,
Bierly,	Flannery,	McElroy,	Smith, John A.,
Boltz,	Flinchbaugh,	McFall,	Spengler,
Bradley,	Gerard,	McGee,	Stank,
Brancato,	Gorski,	Melchiorre,	Strode,
Brigerman,	Haberlen,	Mellott,	Thompson,
Broad,	Hagerty,	Mooney,	Toole,
Brown,	Hamilton, F. P.,	Moran,	Tronzo,
Brownfield,	Harkins,	Moul,	Tumelty,
Burrows,	Hays,	O'Brien,	VanSickle,
Caesar,	Hess,	O'Connor,	Vogt,
Caputo,	Hindman,	O'Keefe,	Walsh,
Chervenak,	Hirsch,	O'Neill,	Weiss, D. H.,
Coakley,	Holland,	Patterson, C. S.,	Weiss, S. A.,
Cohen, H. B.,	Holmes,	Pearson,	Welliver,
Cohen, R. E.,	Holstrom,	Powers,	Welsh,
Coolahan,	Hontz,	Preston,	Westrick,
Corrigan,	Horting,	Readinger,	Whalen,
Costanzo,	Keenan,	Reese,	Wright,
Decker,	Kelso,	Reising,	Yanoshat,
DeNote,	Kilroy,	Rothenberger,	Yourishin,
Dickinson,	LaRue,	Ruffennach,	Zappala,
Donohoe,	Levy,	Sarraf,	Furman,

NAYS—19

Baker, F. T.,	Kline,	Schrock,	Watkins,
Boose,	Longaker,	Sproul,	Wilson,
Habbyshaw,	Matthews, J. F.,	Stockham,	Woodside,
Hall,	McKinney,	Turner,	Yeakel,
Kane,	Royer,	Wall,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 645.

An Act to authorize cities boroughs towns townships counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks playgrounds streets and other improvements and facilities by exercising certain other powers and by making agreements relating to such aid to authorize cities boroughs towns townships and counties to contract with respect to the sums to be paid them for improvements services and facilities to be provided for the benefit of housing projects and the occupants thereof to authorize certain cities and counties to make an appropriation for the first years' administrative expenses of housing authorities and to authorize certain cities boroughs towns and counties to pay moneys to housing authorities

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill, page 2, by striking out in line 1, the following: "Section 1 Short Title"; also by inserting in line 4, after the word "same" the following: "Section 1 Short Title."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1572.

An Act to amend sections one, eight, eleven and thirteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers, granting certain authority to and imposing certain duties upon the Department of Labor and Industry, providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act," extending the provisions of said act to unfired pressure vessels.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendments as follows:

Amend section 1, page 2, by instering after the word "vessels" in line 21, the words "carrying a pressure of more than fifteen pounds per square inch."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1157.

An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending said act to motor boats on boundary waters exempting outboard motor boats from licensure and regulating license fees for such motor boats, providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out in line 13 the words "on boundary waters ex-"; also on page 2 of the title, by striking out in line 1 the words "empting outboard motor boats from licensure" and inserting in lieu thereof the words "electrically propelled."

Amend section 1, page 2, by striking out in line 21 the words "or on the boundaries of"; also in line 22 by inserting after the word "boat" and before the word "propelled" the words "electrically propelled or any boat"; also in line 24 by striking out the words "other than" and inserting in lieu thereof the words "including any type of water craft propelled by"; also on page 3 by striking out in lines 1 to 4 inclusive the following: "except boats on boundary waters engaged wholly or partly in the transportation of freight and boats on boundary waters owned by non-residents which are not customarily housed or docked along shores in Pennsylvania."

Amend section 2, page 4, line 8, by striking out the light-faced bracket before the word "or"; also in same line by striking out the light-faced bracket after the word "boat"; also in same line by inserting after the word "boat" the words "or a fee of two dollars in the case of electrically propelled boat"; also in lines 8 to 13 inclusive by striking out the following: "in the case of motor boats operated on inland waters and of a license fee of the same amount as required to be paid by residents of any other state abutting the boundary waters in case of motor boats operated on boundary waters."

Amend section 3, page 5, line 11, by striking out the word "ten" and inserting in lieu thereof the word "five"; also on page 6, by striking out in lines 12 and 13 the words "boats propelled by."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 140.

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto a section.

HOUSE BILL No. 150.

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

HOUSE BILL No. 647.

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and employees commence actions to prevent violations of law and to surcharge members of authorities supervise rentals charged by limited divident companies charge fees for services providing for the selection and removal of the board's employees providing for appeals from its orders and making an appropriation.

With the information that the House has passed the same without amendment.

REPORTS FROM COMMITTEES

Mr. SHOEMAKER, from the Committee on Agriculture, reported as amended, House Bill No. 1959, entitled:

An Act to provide for the conservation, protection, improvement and profitable use of agricultural land resources in the State of Pennsylvania and for corporation with the governments and agencies of other states and of the United State pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act; to assent to and accept the provisions of said act; to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee, and in conformity with the provisions of said act, to designate and authorize said committee as the State agency of this State, in conformity with such provisions, to formulate, submit to the Secretary of Agriculture of the United States, and administer state plans to carry out the provisions of this act; to define the powers and duties of said committee as such State agency; to provide for the selection of its members, and otherwise to provide for the administration of this act, and making an appropriation.

Mr. BAINE, from the Committee on Repeal Bills, reported as committed, House Bill No. 1684, entitled:

An Act to repeal section eight of the act, approved the sixteenth day of April, one thousand eight hundred and forty-nine (P. L. 663), entitled " A supplement to the act relating to lunatics and habitual drunkards; to punish aldermen and justices of the peace for misdemeanors, relating to arbitrations in the district court in the city and county of Philadelphia; relative to deeds of assignment; relative to judgement liens; relating to limitation of actions; and relating to liens and terre tenants; and for the more effectual punishment of the crimes of arson."

Mr. REUBEN E. COHEN, from the Committee on Judiciary Special, reported as amended, House Bill No. 2057, entitled:

An Act to protect the public against fraud and deception; regulating the business of selling fuels; imposing duties on the Department of Revenue; and prescribing penalties.

Mr. DECKER, from the Committee on Agriculture, reported as amended, House Bill No. 2026, entitled:

An Act to further amend the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushrooms growing beekeeping horticulture and other allied occupations and providing penalties" by defining the jurisdiction of the Pennsylvania Milk Control Commission over such associations and regulating the sale and marketing of milk thereby.

Mr. DECKER, from the Committee on Education, reported as committed, House Resolution No. 76.

COMMITTEE APPOINTED

The SPEAKER. The Chair wishes to re-appoint and to increase the committee appointed to arrange the ball game. This committee shall be divided into two parts:

Part 1. Free Lancers. The gentleman from Luzerne, Johnny Bohn, the gentleman from Philadelphia, Sammy Blank, and the gentleman from Lawrence, Carm Preston.

Part 2. Shackled Members. The gentleman from Allegheny, Johnny O'Keefe, the gentleman from Montgomery, Johnny Longaker, and the gentleman from Philadelphia, Rube Cohen.

By virtue of the authority vested in me under the provisions of this resolution, the Chair now designates Tuesday, May 25th as the date for playing this far famed ball game. The time to be arranged by the players.

RESOLUTION No. 71

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to call up at this time Resolution No. 71, Printer's No. 807.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 26, 1937.

Whereas, during recent years there has been not only a marked and substantial change in the method of dealing generally in securities, but also an offering to the public of many novel types of investments and the furnishing of services in connection with securities; and

Whereas, the jurisdiction of the Pennsylvania Securities Commission under existing law may not be sufficiently comprehensive to deal with such problems and to afford to the investing public adequate protection and safeguards in connection with such transactions:

Now, Therefore, be it

Resolved, That the Department of Banking, and the Pennsylvania Securities Commission, of the Commonwealth of Pennsylvania, be and they are hereby directed to make a survey of such dealings, and activities, and a study of the existing law under which the Pennsylvania Securities Commission presently has jurisdiction over transactions in securities within this Commonwealth, and to report thereon to the next regular session of the House of Representatives, together with such conclusions, and such recommendations and suggestions for legislation, as are deemed necessary and expedient in the premises; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of Banking, and the Pennsylvania Securities Commission, by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

It was adopted.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 61. (HOUSE BILL No. 2305).

An Act authorizing executors guardians and trustees to purchase life endowment or annuity contracts in companies approved and duly authorized to carry on such business in the State of Pennsylvania.

Referred to the Committee on Judiciary General.

SENATE BILL No. 87. (HOUSE BILL No. 2306).

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto Section twenty.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 486. (HOUSE BILL No. 2307).

An Act to further amend section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" making additional provisions for the filing of tax claims.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 585. (HOUSE BILL No. 2308).

An Act providing for the establishment of a State Youth Commission and local Youth Commission and prescribing their powers and duties.

Referred to the Committee on State Government.

SENATE BILL No. 642. (HOUSE BILL No. 2309).

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase condemnation or otherwise for State Park purposes.

Referred to the Committee on Appropriations.

SENATE BILL No. 675. (HOUSE BILL No. 2310).

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones conferring additional powers and duties upon the Department of Revenue counties municipalities and certain persons firms and corporations including public service companies restricting existing remedies and providing additional remedies making an appropriation from the Motor License Fund and providing penalties.

Referred to the Committee on Aeronautics.

SENATE BILL No. 809. (HOUSE BILL No. 2311).

An Act to amend section three of article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth'' by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments and officers regulating commitments and providing for the audit of firemen's pension funds.

Referred to the Committee on Cities.

SENATE BILL No. 999. (HOUSE BILL No. 2312).

An Act to amend section three hundred eleven, as amended, of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class.

Referred to the Committee on Counties.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 794

Mr. FLINCHBAUGH. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 794.

The SPEAKER. The report will lie over for printing under the Rules.

ANNOUNCEMENT

The Republican caucus called for Thursday, May 13, is cancelled.

The Republican Steering Committee will meet on Monday, May 17, 1937, at 2 p. m. at the Republican State Headquarters.

Committee meetings for Monday:

The Committee on Labor at 8:30 p. m. in Room 521.

The Committee on State Boards at 8 p. m. in Room 101.

The Committee on Ways and Means at 8 p. m. in Room 100.

ADJOURNMENT

Mr. PERSHING. Mr. Speaker, I move that this House do now adjourn until Monday, May 17, 1937, at 9:00 p. m.

The motion was agreed to, and (at 6:26 p. m.) the House adjourned until Monday, May 17, 1937, at 9:00 p. m. E. S. T.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., THURSDAY, MAY 13, 1937. No. 58.

SENATE

THURSDAY, May 13, 1937.

The Senate met at 12 o'clock noon.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L.D., offered the following prayer:

Our Father, the eye that is ever on the sparrow hath kept vigil over us; and Thou hast led us to this hour and place. We would answer Thee in fraternal fellowship and rivalry of faithful service.

With energy and devotion may we enter upon our tasks as ever in Thy presence.

In these remaining days, help us to keep our people near to our hearts. May the royal law prevail, that the strong should bear the infirmities of the weak. Help us to repeal the rule of gold and enact the golden rule.

We would do justly, and love mercy, and walk humbly with our God. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LANIUS, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

ACKNOWLEDGEMENT OF RECEIPT OF RESOLUTION ADOPTED BY SENATE MAY 3, 1937

Communication of thanks to Mr. Dennis J. Mulvihill from Lester K. Ade of the Department of Public Instruction, Harrisburg, for the Resolution which was adopted by the Senate May 3, 1937 pertaining to Histories in Public Schools of Pennsylvania.

Which was referred to the Committee on Education.

PROTESTING AGAINST PROVISIONS OF HOUSE BILL NO. 1792

Telegram from a group of members of the International Ladies Garment Workers Union, of Philadelphia, Pa. protesting against provisions of House Bill No. 1792 requiring financial deposit on candidates of minority parties also protesting against provision intended to prevent candidates from running on more than one ticket in final elections. Ask public hearing by Senate on bill immediately.

Which was referred to the Committee on Elections.

PROTESTING AGAINST BILL TO ABOLISH PRESENT SYSTEM OF POOR RELIEF BY ELECTED POOR DIRECTORS

Petitions from numerous citizens of the various counties throughout the Commonwealth of Pennsylvania, protesting against any bill introduced in the Senate or the House of Representatives which would tend to abolish the present system of general poor relief by elected poor directors, or to curtail or limit their powers and duties under existing law.

Which was referred to the Committee on State Boards.

COMMUNICATION FROM THE DEPARTMENT OF PUBLIC INSTRUCTION

The Chair cleared his table and laid before the Senate the following communication:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC INSTRUCTION

Harrisburg, May 10, 1937.

Mr. Dennis J. Mulvihill,
Chief Clerk, Senate of Pennsylvania,
Harrisburg, Pennsylvania.

Dear Mr. Mulvihill:

Thank you for sending me on May 4, 1937, by direction of the Senate of Pennsylvania, a copy of resolution adopted by the Senate May 3, 1937.

The Department of Public Instruction is in sympathy with the thought expressed in the resolution of Senator C. Hale Sipe, of Butler and Armstrong Counties. We might state the fact that the American histories used in the public schools of the Commonwealth ignore the Colony of New Sweden and the beginnings of white civilization within our borders, is something our Department inherited.

It might interest you to know that the Historical Commission has been working during the past several months in preparation for the 300th Anniversary Celebration of the first civil government, the first public schools, the first chuch, the first court of law, on what is now the soil of Pennsylvania. It has prepared for distribution throughout the Commonwealth several authenticated pamphlets both of a popular and more serious nature telling in detail the history of New Sweden. In addition to this, the Historical Commission for several months has been archaeologically exploring the site of the first settlement within the borders of Pennsylvania and preparing this spot for the Celebration. Since this property has been given to the state and a bill accepting it is now before the Senate, it is hoped by the time of the Celebration in March of 1938 to have made a restoration and memorial of Tinicum.

Copies of the resolution, together with a letter of protest, has been sent by the Superintendent of Public Instruction to the publishing firms of MacMillan Company, New York City, Ginn and Company, New York City, Rand McNally Company, New York City; Iroquois Publishing Company, Syracuse, New York; John C. Winston Company, Philadelphia. It is our belief that they will be willing to cooperate with the Department of Public Instruction in giving proper place in our school histories to the neglected aspect of the early beginnings of our Commonwealth.

Sincerely yours,

LESTER K. ADE.

NOMINATIONS BY THE GOVERNOR

The Secretary of the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations:

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate W. Lloyd Hibbs, of Cresson, Cambria County, for appointment as Workmen's Compensation Referee, vice Edward W. Walsh, of Barnesboro, deceased, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

JUSTICE OF PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Grover C. Hinebaugh, of St. Michael, Cambria County, for appointment as Justice of the Peace in the Township of Adams, Cambria County, vice J. W. Harrison, resigned, until the first Monday of January, 1938.

T. C. Goss, of McKnightstown, Adams County, for appointment as Justice of the Peace in the Township of Franklin, Adams County, to fill a vacancy, until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Alma M. Eiben, 1105 Grant Bldg., Pittsburgh.

ARMSTRONG COUNTY

Bert W. Fleming, Kittanning.

CAMBRIA COUNTY

Miss Edna M. Crocker, Johnstown.

CENTRE COUNTY

John L. Holmes, State College.

CLEARFIELD COUNTY

Miss Louise Flick, Clearfield.

CUMBERLAND COUNTY

Vance R. Stouffer, New Cumberland.

ERIE COUNTY

Miss Gertrude E. Reich, Erie.

LEHIGH COUNTY

Miss Bertha M. Kuhns, Alburtis.

PHILADELPHIA COUNTY

Pierce Archer Jr., 1104 Stock Exchange, Philadelphia.

Mrs. Hortense H. Pepper, 1222 Lincoln Liberty, Philadelphia.

YORK COUNTY

Miss Maye Davenport, Hanover.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 45 (Senate Bill No. 1271), entitled:

An Act to amend section nine hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," by changing the time when the court of quarter sessions is authorized to fill vacancies in borough offices.

Which was committed to the Committee on Municipal Government.

House Bill No. 81 (Senate Bill No. 1272), entitled:

An Act authorizing courts of common pleas to stay writs of eviction, against certain classes of tenants in certain cases; providing for continuance of return days for writs of eviction and authorizing the execution thereof without issuance of further writs.

Which was committed to the Committee on Judiciary General.

House Bill No. 523 (Senate Bill No. 1273), entitled:

An Act to amend section two of the act, approved the eleventh day of May, one thousand nine hundred and twenty-three (P. L. 203), entitled "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged, and having an honorable discharge therefrom, shall receive credit for the experience and training derived from such service in civil service examinations," by giving such persons certain additional preferences in civil service examinations.

Which was committed to the Committee on Military Affairs.

House Bill No. 524 (Senate Bill No. 1274), entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and

thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricitv in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by providing for preferences to veterans in the appointment of such officers, firemen, operators and inspectors.

Which was committed to the Committee on Military Affairs.

House Bill No. 525 (Senate Bill No. 1275), entitled:

An Act to amend clause A of section three hundred two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended, "Pennsylvania Liquor Control Act," as re-enacted and amended; providing further preferences to veterans in civil service examinations.

Which was committed to the Committee on Military Affairs.

House Bill No. 1049 (Senate Bill No. 1276), entitled:

An Act providing for the creation of a legal holiday on April 8, 1938, to be known and observed as "Forefathers Day."

Which was committed to the Committee on Education.

House Bill No. 1093 (Senate Bill No. 1277), entitled:

An Act to amend Clause XLIX of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "General Borough Act" authorizing boroughs to expend moneys for the purchase and planting of trees.

Which was committed to the Committee on Municipal Government.

House Bill No. 1105 (Senate Bill No. 1278), entitled:

An Act to amend section one as amended, and section two, of the act approved the twenty-eighth day of June, one thousand nine hundred and seventeen (P. L. 645), entitled "Fictitious Names Registration Law"; providing for the filing of certificates showing changes of address.

Which was committed to the Committee on Judiciary General.

House Bill No. 1257 (Senate Bill No. 1279), entitled:

An Act to further amend section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "General Road Law," increasing the maximum width of public roads.

Which was committed to the Committee on Highways.

House Bill No. 1323 (Senate Bill No. 1280), entitled:

An Act to amend section one thousand and thirty-eight of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," as amended; extending the time within which appeals from auditors' reports may be taken.

Which was committed to the Committee on County Government.

House Bill No. 1470 (Senate Bill No. 1281), entitled:

An Act regulating the time for appeals in cases where petitions have heretofore been or shall hereafter be presented for reconsideration of or reargument on judgments and decrees.

Which was committed to the Committee on Judiciary General.

House Bill No. 1499 (Senate Bill No. 1282), entitled:

An Act prohibiting certain persons from selling, taking orders for, delivering or being interested in the manufacture or sale of machinery, equipment, materials, feed supplies or other things used by milk producers and prescribing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 1751 (Senate Bill No. 1283), entitled:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed; changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value; providing a procedure by which the actual value of such property, when purchased by or for the holder of the mortgage, may be determined and credited on the mortgage debt; and providing a limitation of time within which such procedure may be invoked.

Which was committed to the Committee on Judiciary General.

House Bill No. 1755 (Senate Bill No. 1284), entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers; prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospital care and service; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties.

Which was committed to the Committee on Welfare.

House Bill No. 1767 (Senate Bill No. 1285), entitled:

An Act to amend section one of the act, approved the thirtieth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, eight hundred seventy-four), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; preserving the lien of mortgages on real estate other than upon unseated lands," by exempting liens for State taxes from the provisions of the act.

Which was committed to the Committee on Judiciary General.

House Bill No. 1768 (Senate Bill No. 1286), entitled:

An Act providing that physicians' fees for examinations shall be taxable as costs in certain prosecutions and be paid by the county, with certain exceptions.

Which was committed to the Committee on Judiciary General.

House Bill No. 1780 (Senate Bill No. 1287), entitled:

An Act to amend section five and sections sixteen, seventeen and twenty-one, as amended, of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred and ten) entitled "Boxing and Wrestling Law," by providing for; promoters, partnerships and co-promoters; a bond to protect contestants, managers and officials; changing license fees for promoters, boxers, seconds, managers and wrestlers; and requiring payments to the Commonwealth for complimentary tickets.

Which was committed to the Committee on Military Affairs.

House Bill No. 1792 (Senate Bill No. 1288), entitled:

An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and modifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections.

Which was committed to the Committee on Elections.

House Bill No. 1820 (Senate Bill No. 1289), entitled:

An Act to amend section three of the act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof," reducing the number of days during which exhibitions need be held.

Which was committed to the Committee on Agriculture.

House Bill No. 1963 (Senate Bill No. 1290), entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties.

Which was committed to the Committee on Mines and Mining.

House Bill No. 2029 (Senate Bill No. 1291), entitled:

An Act to amend Article five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," authorizing counties of the fifth class to make appropriations for the maintenance of short wave radio broadcasting stations.

Which was committed to the Committee on County Government.

House Bill No. 2040 (Senate Bill No. 1292), entitled:

An Act to amend section fifty-nine, as amended, section one hundred ninety, as added, section two hundred four, as amended, and section two hundred forty-seven and six hundred seventy-five of, to add sections one hundred fifty and one-tenth and one hundred fifty-five, to, and to repeal section two hundred five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by changing the provisions for filling vacancies in the office of coroner, sheriff, district attorney and county treasurer, providing for and prescribing the procedure for leasing of real property belonging to counties; and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

Which was committed to the Committee on County Government.

House Bill No. 2094 (Senate Bill No. 1293), entitled:

An Act requiring all persons receiving garments for cleaning, pressing or tailoring, to issue receipts therefor specifying the extent of liability for the failure to return such garments; and providing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 2102 (Senate Bill No. 1294), entitled:

An Act to add Section 491.1 to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" authorizing counties of the sixth, seventh and eighth classes to pay bounties for the destruction of rattlesnakes and porcupines.

Which was committed to the Committee on County Government.

House Bill No. 2115 (Senate Bill No. 1295), entitled:

An Act relating to criminal prosecutions; limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth.

Which was committed to the Committee on Judiciary General.

House Bill No. 250 (Senate Bill No. 1296), entitled:

An Act authorizing cities, boroughs and towns to construct, acquire, own, operate and control waterworks and electric plants and appurtenances thereto, and to sell and purchase water and electrical energy both within and without their corporate limits; conferring the power of eminent domain; conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof; providing for the incorporation and election of a board of directors to operate and manage such works, and defining its powers and duties; and prescribing penalties.

Which was committed to the Committee on County Government.

House Bill No. 1000, (Senate Bill No. 1297), entitled:

An Act to amend the title and sections one and two of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or sub-divisions of land, the reservation of locations of mapped streets for future use, and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," by extending the provisions of the act to cities of the first class and by changing the provisions as to the number and qualifications of the personnel of the commission.

Which was committed to the Committee on Game and Fisheries.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 645

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 645, entitled:

An Act to authorize cities, boroughs, towns, townships, counties, and other public bodies to aid housing projects

of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, boroughs, towns, townships, and counties to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects and the occupants thereof; to authorize certain cities and counties to make an appropriation for the first year's administrative expenses of housing authorities; and to authorize certain cities, boroughs, towns and counties to pay moneys to housing authorities.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1572

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1572, entitled:

An Act to amend sections one, eight, eleven and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1513), entitled "Boiler Regulation Law" extending the provisions of said act to unfired pressure vessels.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 1157

He also informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 1157, entitled:

An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending said act to motor boats on boundary waters; increasing license fees; providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RICE. Mr. President, I move that the Senate insist upon its amendments to the foregoing bill.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL No. 639

He also presented a communication from the House of Representatives informing the Senate that the House insists on its amendments non-concurred in by the Senate to Senate Bill No. 639, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes b the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. LAW. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the difference existing between the two houses in relation to said bill.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Dent, McGinnis and Mallery be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 228

He also informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 228, entitled:

An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores as herein defined; prescribing the method and manner of collecting such tax and its disposition; and providing penalties.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RICE. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such Committee) to consider the difference existing between the two houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AMENDMENTS TO SENATE BILL No. 64, RECALLED FROM SENATE

He also returned to the Senate, Senate Bill No. 64, entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin.

said bill having been recalled from the Senate, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which the concurrence of the Senate is requested.

SENATE BILL No. 65 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 65, entitled:

An Act to amend section one of the act, approved the seventh day of April, one thousand eight hundred seventy (P. L. 57), entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff, and to provide for the issuing of writs of foreign attachment in such cases," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 749 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 749, entitled:

An Act to Amend Sections Four Hundred Ten and Four Hundred Eleven of the Act approved the Seventeenth Day of May, One Thousand Nine Hundred and Twenty-One, (Pamphlet Laws Six Hundred Eighty-two), entitled "An Act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance; prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requesetd.

SENATE BILL No. 814, RETURNED WITH AMENDMENTS

He also returned to the Senate Senate Bill No. 814, entitled:

An Act to amend the act, approved the seventeenth day of July, one thousand nine hundred and thirty-five (P. L. 1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate judges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision regulation, and examination by the Insurance Commissioner. and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws"; empowering the Insurance Commissioner to make periodical examination of such societies, and requiring such societies to furnish the Insurance Commissioner with any information he may desire; and providing penalties.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

HOUSE CONCURS IN SENATE BILL No. 104

He also returned to the Senate, Senate Bill No. 104 entitled:

An Act authorizing boroughs that have, relying on invalid bond issues authorized by the electors, entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed, to provide for the payment of the reasonable value of such performance, to contract for completion, and to increase their indebtedness therefor; and validating ordinances, agreements, increases, of indebtedness and bonds heretofore adopted, entered into, issued or to be issued to accomplish such purpose.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 388

He also returned to the Senate, Senate Bill No. 388, entitled:

An Act to further amend sections two three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (P. L. 470), entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word "drug"; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 745

He also returned to the Senate, Senate Bill No. 745, entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner defining non-cancellable health and accident insurance

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 607

He also returned to the Senate, Senate Bill No. 607, entitled:

An Act providing for the fixing of the salaries and compensation of officers, clerks, stenographers and employes appointed by judges of the courts of this Commonwealth in counties where salary boards exist by law.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 188

He also returned to the Senate, Senate Bill No. 188, entitled:

An Act relating to savings institutions, chartered under special acts of assembly, and specifying additional securities upon which such institutions may lend deposits received by them.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 709

He also returned to the Senate, Senate Bill No. 709, entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized; and prescribing the powers and duties of courts of common pleas in relation to such liquidation.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 707

He also returned to the Senate, Senate Bill No. 707, entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth, created by special act of assembly prior to January 1, 1874, to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 746

He also returned to the Senate, Senate Bill No. 746, entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by extending the purposes for which companies may be incorporated to include insuring glass against all risk insuring any goods or premises against any and all loss caused by water and insuring moneys and securities against all risk

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 747

He also returned to the Senate, Senate Bill No. 747, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing the manner in which dividends on contributory group insurance policies are to be apportioned

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 755

He also returned to the Senate, Senate Bill No. 755, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company

with the information that the House has passed the same without amendment.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE, (Mr. Harvey Huffman), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 104, entitled:

An Act authorizing boroughs that have, relying on invalid bond issues authorized by the electors ,entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed, to provide for the payment of the reasonable value of such performance, to contract for completion, and to increase their indebtedness therefor; and validating ordinances, agreements, increases of indebtedness and bonds heretofor adopted, entered into, issued or to be issued to accomplish such purposes.

Senate Bill No. 188, entitled:

An Act relating to savings institutions, chartered under special acts of assembly, and specifying additional securities upon which such institutions may lend deposits received by them.

Senate Bill No. 388, entitled:

An Act to further amend sections two, three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (P. L. 470), entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word "drugs"; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

Senate Bill No. 607, entitled:

An Act providing for the fixing of the salaries and compensation of officers, clerks, stenographers and employes appointed by judges of the courts of this Commonwealth in counties where salary boards exist by law.

Senate Bill No. 707, entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth, created by special act of assembly prior to January 1, 1874, to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

Senate Bill No. 709, entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized; and prescribing the powers and duties of courts of common pleas in relation to such liquidation.

Senate Bill No. 745, entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner; defining non-cancellable health and accident insurance.

Senate Bill No. 746, entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one, (P. L. 682), entitled "An act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," as amended, by extending the purposes for which companies may be incorporated to include insuring glass against all risk; insuring any goods or premises against any and all loss caused by water; and insuring moneys and securities against all risk.

Senate Bill No. 747, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing the manner in which dividends on contributory group insurance policies are to be apportioned.

Senate Bill No. 755, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company.

Whereupon,

The PRESIDENT PRO-TEMPORE (Mr. Harvey) Huffman) in the presence of the Senate signed the same.

APPOINTMENT OF MEMBER OF COMMISSION TO INVESTIGATE THE OPERATION OF THE OIL INDUSTRY

The PRESIDENT. The Chair appoints the Senator from Center, Mr. Edward J. Thompson, as a member of the Commission to investigate the operation of the oil industry in Pennsylvania, as provided for in House Bill No. 1659.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Judiciary General, reported as committed, Senate Bill No. 986, entitled:

An Act to amend section one hundred fifty-five of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth;" extending the provisions to memorials, tablets and works of art erected within buildings or on grounds.

Also from the Committee on Military Affairs, reported as amended, Senate Bill No. 1091 (House Bill No. 666), entitled:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of non-payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

Mr. KILGALLEN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1204 (House Bill No. 1798), entitled:

An Act to repeal clause (c) as amended, and to amend clause (d) of section fifty-eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries, the administration and distribution of the estates of presumed decedents, widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the

discharge of real estate for the lien thereof contracts of decedents for the sale or purchase of real estate legacies, including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and aministrators therein and suits against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries the rights, powers and liabilities of non-resident and foreign fiduciaries the appointment, bonds, rights, powers, duties and liabilities of trustees, durante absentia, the recording and registration of decrees, reports and other proceedings and the fees, therefor, appeals in certain cases and also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries, concerned with the estates of decedents," eliminating certain provisions relating to foreign fiduciaries, selling, assigning, transferring and receiving the income from certain assets of decedents, minors and cestui que trusts.

Mr. HALUSKA, from the Committee on Highways, reported as committed, Senate Bill No. 758, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, five hundred fifty-three), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by further requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, and further regulating insurance policies which may be accepted as proof of financial responsibility; imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth; providing for the payment of judgments in installments; prescribing additional penalties; and adding new sections.

Mr. REED, from the Committee on State Government, reported as committed, Senate Bill No. 1237, entitled:

An Act to further amend section eleven of the act approved the seventeenth day of February, one thousand nine hundred six (Pamphlet Laws forty-five) entitled, "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by eliminating the publication of monthly statements of moneys in the State Treasury.

Also, from the Committee on State Government, re-reported as amended, Senate Bill No. 485, entitled:

An Act to re-enact and amend the act approved the seventh day of June, one thousand eight hundred and eighty-seven (P. L. 365) entitled, "An act to encourage and authorize the formation of cooperative associations, productive and distributive, by farmers, mechanics, laborers, or other persons," by extending and changing the provisions thereof

Mr. RUTH, from the Committee on Education, reported as amended, Senate Bill No. 545, entitled:

An Act to amend subsection seven of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, changing the minimum salaries and providing for increments for teachers in school districtst of the fourth class.

To be returned to the Committee on Education after second reading.

Also, from the Committee on Education, reported as committed, Senate Bill No. 1260, entitled:

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, further regulating the compensation to be paid attendance officers and home and school visitors in school districts of the first class.

To be returned to the Committee on Education after second reading.

Mr. PYTKO, from the Committee on Judiciary General, re-reported as committed, Senate Bill No. 69, entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 958, entitled:

An Act to amend sections one, two, four, five and seven of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (P. L. 1017), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto," by further regulating the attendance of such witnesses; and limiting the powers with respect thereto to judges learned in the law.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 959, entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states; and imposing certain duties on magistrates, aldermen and justices of the peace, and the Secretary of the Commonwealth.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 960, entitled:

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in

relation to persons on probation or parole; and imposing certain powers and duties on the Governor and the Board of Pardons.

With the understanding that the bills be recommitted to the Committee on Insurance after second reading.

Mr. LAW, from the Committee on Highways, reported as amended, Senate Bill No. 917, entitled:

An Act to establish as a State highway a certain section of public road in the counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth.

Also, (at the request of Senator Rodgers), from the Committee on Highways, reported as committed, Senate Bill No. 997, entitled:

An Act to further amend section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; confering powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles. and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by imposing liability on school districts and poor districts in certain cases.

Also, (at request of Senator Rodgers) from the Committee on State Government, re-reported as amended, Senate Bill No. 1174 (House Bill No. 158), entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

Mr. HOMSHER, from the Committee on State Government, reported as committed, Senate Bill No. 1189 (House Bill No. 1184), entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire, by gift, approximately 7.2234 acres of land in Tinicum Township, Delaware County, sometime known as "Printz Park," or as "Printz-Lindberg Park," to be known hereafter as "Governor Printz Park"; providing for the control, management, supervision restoration, improvement and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof.

Mr. RICE, from the Committee on Appropriations, reported as amended, Senate Bill No. 127, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

Also, from the Committee on Appropriations, reported as amended, Senate Bill No. 166, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1211, entitled:

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 514, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia, Pennsylvania.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 83, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 561, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

Mr. EROE, from the Committee on State Government, reported as committed, Senate Bill No. 1231, entitled:

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap, to the City of Harrisburg, for the purpose of impounding water for a water supply; and appropriating the moneys received therefrom to the Department of Military Affairs.

Also, from the Committee on State Government, reported as amended, Senate Bill No. 641, entitled:

An Act declaring certain rights, grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void; vesting power in the Department of Forests and Waters The Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants and privileges; and providing the procedure in such cases.

Mr. KAHLE, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 1197 (House Bill No. 1540), entitled:

An Act to repeal section ten of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing subsitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties.

Mr. KUNKEL, from the Committee on Highways, reported as committed, Senate Bill No. 432, entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Sus-

quehanna River between a point on State Street in the City of Harrisburg to a point in Cumberland County; and to provide the necessary approaches and connections with State highways; providing for the acceptance of Federal aid, empowering counties to pay certain damages; providing for the collection of tolls on such bridge and making an appropriation.

Mr. HENNEY, from the Committee on State Government, reported as committed, Senate Bill No. 1219, entitled:

An Act to amend sections one, three, eight and ten of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled, "An act establishing a State employes retirement system and creating a retirement board for the administration thereof; establishing certain funds for contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom; and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," as amended, qualifying members of the General Assembly as members of the State retirement system.

Also, from the Committee on State Government, re-reported as committed, Senate Bill No. 887, entitled:

An Act to further amend sections two, four and six, and to amend section seven of the act, approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151) entitled, "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Also, from the Committee on State Government, re-reported as committed, Senate Bill No. 886, entitled:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 450) entitled, "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointments of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstances of fires and the inspection of all, and the removal or change of certain buildings; imposing duties on school authorities, and on certain corporations associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," by imposing upon the Pennsylvania Motor Police the duty of administering; and enforcing the act.

Also, from the Committee on State Government, re-reported as committed, Senate Bill No. 784, entitled:

An Act to amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (P. L.1314), entitled, "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police, and making an appropriation," by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

Also, from the Committee on State Government, re-reported as committed, Senate Bill No. 782, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by consolidating the Pennsylvania State Police and the State Highway Patrol, and their powers and duties, into one agency to be known as the Pennsylvania Motor Police, and establishing as part of such agency a Motor Police Force; and making provisions for the number, selection, qualifications, promotion, training and discipline of the members of such force.

Also, from the Committee on State Government, re-reported as amended, Senate Bill No. 770, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

Also, from the Committee on State Government, re-reported as committed, Senate Bill No. 769, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 414), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

Mr. LANIUS, from the Committee on State Government, reported as committed, Senate Bill No. 1237, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College, subject to certain reservations, the Mont Alto State Forest School and to accept a conveyance from said college of a tree nursery tract.

Mr. FREY, from the Committee on Executive Nominations, reported with a favorable recommendation, the following nominations made by His Excellency, the Governor of the Commonwealth:

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate W. Lloyd Hibbs, of Cresson, Cambria County, for appointment as Workmen's Compensation Referee, vice Edward W. Walsh, of Barnesboro, deceased, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor to lie on the table one day, be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations,

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Hcyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
DiSilvestro,	Jacobs,	McGinnis,	Shapiro,
Eroe,	Jaspan,	Mundy,	Sipe,
Frey,	Kahle,	Pytko,	Sones,
Gelder,	Kilgallen,	Rankin,	Thompson,
Gibson,	Kunkel,	Reed,	Wolfenden,
Haluska,	Lanius,	Rice,	Woodward,
Henney,	Law,	Rodgers,	Huffman,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

RESOLUTION MEMORALIZING CONGRESS TO ENACT LEGISLATION WHICH WILL ESTABLISH THE CIVILIAN CONSERVATION ON A PERMANENT BASIS

Mr. LAW offered the following resolution which was twice read:

In the Senate of Pennsylvania, May 13, 1937.

Whereas, The civilian conservation corps has been in successful operation for a period of four and one-half years, and

Whereas, This organization has been most useful in building character. individuality, and moral in the youth of the nation, and has educated them in discipline, and

Wheras, The work performed by this agency has been a useful contribution to the states and the nation, and will be more fully reflected in the future, and

Whereas, The President of the United States, recognizing the great value of this agency, has recommended to the Congress that it be made a permanent agency of the Federal Government, therefore be it

Resolved (if the House of Representatives concur), that the General Assembly of the Commonwealth of Pennsylvania hereby memoralizes the Congress of the United States to enact legislation which will establish the civilian conservation corps on a permanent basis, and as a permanent agency of the United States.

Resolved, That a copy of this resolution be transmitted to the President of the Senate, and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress of the United States from the Commonwealth of Pennsylvania, by the Chief Clerk of this House.

Mr. LAW. Mr. President, I move that Rule 39, which requires concurrent resolutions be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

Mr. WOODWARD. Mr. President, the reading clerk has very properly called this the Civilian Conservation C-o-r-p-s-e. Congress yesterday limited the life of the Civilian Conservation Corps to two years. It therefore seems to me that memorializing Congress at this date is not in order.

Mr. LAW. Mr. President, I do not understand that Congress has decided this. It is simply the action of the House and that is the reason the resolution was offered.

Mr. WOODWARD. Mr. President, I am forced to object.

The PRESIDENT. The Chair hears objection.

The Resolution is referred to the Committee on Federal Relations.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Argeeably to order,

The Senate resumed the consideration of Senate Bill No. 22, as follows:

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" creating said commission as a departmental administrative commission in the Department of Highways amplyfying the powers of said commission to include the industrial educational and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a

commission consisting of the Chairman of the Pennsylvania Historical Commission the Secretary of Forests and Waters the Secretary of Highways and four other persons appointed by the Governor to be known as the Pennsylvania State Publicity Commission which shall be a departmental administrative commission in the Department of Highways and shall have the powers and perform the duties generally vested in and imposed upon departmental administrative boards and commissions by the Administrative Code of 1929 It shall be the duty of the commission in connection with the publicity and information furnished by the Department of Highways to collect compile edit publish and distribute [a pamphlet or pamphlets] information and literature descriptive of points of scenic [and] historic industrial educational and agricultural interest in Pennsylvania and the other facilities advantages and attractions of the Commonwealth for the use of citizens and travelers

The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission created by this act to pay the compensation of assistants and all costs and expenses incurred by the commission in compiling editing publishing and distributing the pamphlet or pamphlets provided for by this act

Section 2 That said act is hereby further amended by adding thereto the following sections

Section 2 The Commission shall have power to plan and conduct a program of information advertising and publicity which may include newspaper magazine outdoor and radio advertising both within and without the limits of the Commonwealth It shall encourage and co-ordinate the activities of public and private organizations societies and individuals engaged in publicizing the scenic and historic attractions and the industrial educational and agricultural interests and other facilities advantages and attractions of the Commonwealth or any subdivision thereof

Section 3 The Commission shall have full power either acting alone or in co-operation with other departments boards and commissions of the Commonwealth to advertise the scenic and historic attractions and the industrial educational and agricultural interests and other facilities advantages and attractions of Pennsylvania at fairs expositions and other celebrations within and without the Commonwealth and shall have and possess all the necessary powers to enter into leases for space or land and to enter into contracts for the construction of booths exhibits and buildings deemed necessary for the carrying out of this power and to expend appropriations made to it for any and all of said purposes

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 199 on final passage entitled:

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases and the exemption for the canning industry imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 406, on final passage, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JACOBS. Mr. President, I ask unanimous consent that Senate Bill No. 911, on final passage, entitled:

An Act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits debts and interest on debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for refunds of such moneys and property and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. RUPP. Mr. President, I move that Senate Bill No. 20, on third reading, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverages and providing penalties and for the revocation of licenses and permits.

be recommitted to the Committee on County Government.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 144, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by increasing the powers and duties of district superintendents supervising principals and county superintendents changing the qualifications of county district assistant and associate superintendents and supervising principals increasing the terms of county and district superintendents and conferring powers and imposing duties on the State Council of Education.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 715, (House Bill No. 1032), entitled:

An Act to amend section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for county airports

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Mr. MALLERY. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—22.

Cavalcante,	Heyburn,	McGinnis,	Rupp,
Dando,	Jacobs,	Mundy,	Ruth,
Eroe,	Kilgallen,	Pytko,	Sipe,
Gilson,	Kunkel,	Reed,	Sones,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	McCreesh,		

NAYS—8.

Frey,	Homsher,	Law,	Wolfenden,
Gelder,	Howell,	Mallery,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 776, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from State penal and correctional institutions empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions eliminating the office of business manager in State institutions under the Department of Welfare authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects making further provision for bid performance bonds of bidders for State contracts extending the scope of the work of the

State Park Commission further regulating purchases made directly by departments boards and commissions requiring counties to pay compensation and expenses of special attorneys in criminal cases authorizing the Governor to grant commissions to State pilots providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth providing for the promulgation of rules and regulations by and enlarging the powers of the Department of Forests and Waters and the Water and Power Resources Board further regulating the maximum price that may be paid for land acquired for State forestry purposes prescribing the membership and powers and duties of the State Park Commission creating and prescribing the powers and duties of Regional State Park Boards eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor the Pennsylvania Game Commission eliminating the Public Service Commission of the Commonwealth of Pennsylvania and extending the provisions of the Code to its successor the Pennsylvania Public Utility Commission transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue and the State Board of Undertakers from the Department of Public Instruction to the Department of Health eliminating the State Aeronautics Commission the Pennsylvania Alcohol Permit Board and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives and the Anatomical Board and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

And said bill having been read at length the third time,

On the question,

Mr. MUNDY. Mr. President, I ask unanimous consent to

Amend page 96, beginning at line 9, amendment to paragraph 'g' by adding: "The successful bidder shall also deliver to the Commonwealth at the time of execution of the contract a surety bond, having as surety a surety company authorized to transact business in this Commonwealth, or two individual sureties approved by the Department of Justice, in the amount of ten percentum (10%) of the contract price, as surety against defective or inferior materials or workmanship which may develop during the period of one (1) year from the date of completion and acceptance of the work performed under the contract."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 837 (House Bill No. 753), on third reading entitled:

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 855, on third reading entitled:

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (Pamphlet Laws seventy-nine) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 860, on third reading entitled:

An Act supplementing the act of July twenty-second one thousand nine hundred and thirty-six (Pamphlet Laws seventy) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the one hundred and fiftieth Anniversary of the Framing the Signing the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 865 (House Bill No. 1172), entitled:

A Joint Resolution proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,

Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 885, as follows:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in co-operation with employment and re-employment offices for the training retraining instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Superintendent of Public Instruction shall have power to investigate the need for establish supervise and conduct special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in co-operation with employment and re-employment offices for the training retraining instruction and occupational adjustment of persons over sixteen years of age who have left school or who are about to leave school and who due to changing conditions are in need of training retraining and instruction and occupational adjustment in order to enter or re-enter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and co-ordinators to conduct such special schools classes and adjustment offices in the effective manner and to pay from the appropriation made by this act and from other available State funds appropriated to aid school districts in the establishment and maintenance of vocational schools or departments and from Federal funds provided for the development and further development of vocational education the salaries of said teachers supervisors and co-ordinators

Section 2 No vocational trade industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational trade industrial and commercial school or class established by a school district under the provisions of the act approved May first one thousand nine hundred and thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State-aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments

Section 3 The total expenditure from State and Federal funds for salaries of teachers in schools and classes established under the provisions of this act shall not exceed in any one year the following amounts School districts of the first class ten thousand dollars ($10,000) school districts of the second class five thousand dollars ($5,000) school districts of the third class two thousand five hundred dollars ($2,500) and school districts of the fourth class six hundred dollars ($600) except where classes are conducted in co-operation with a school district and pupils are admitted in such classes from other school districts where such classes are not conducted in which case an additional amount may be expended for salaries of teachers in said school district in proportion to the number of pupils served from such other school districts Provided That the additional sum so expended shall not exceed the amount that could have been expended in such other school districts under the provisions of this act Provided further That if during the first fiscal year any of the appropriation allocated by the Department of Public Instruction for that year is not expended such remaining portion of the appropriation may be allocated to other school districts or to districts which have exceeded the amounts allocated to them in Section 3 of this act on the basis of need and in such amounts as the Superintendent of Public Instruction may direct Salaries of teachers of classes and activities authorized by this act for which no Federal contribution is made shall be paid from State funds

Section 4 The sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction to carry out the provisions of this act for the payment of salaries of teachers supervisors and co-ordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven and shall remain in force until May thirty-first one thousand nine hundred and thirty-nine

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30.

Cavalcante,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Sipe,
Eroe,	Jacobs,	Mundy,	Sones,
Frey,	Kilgallen,	Pytko,	Thompson,
Gelder,	Kunkel,	Reed,	Wolfenden,
Gilson,	Lanius,	Rice,	Woodward,
Haluska,	Law,	Rupp,	Huffman,
Henney,	Mallery,		

NAYS—1.

Heyburn,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 898 (House Bill No. 1715) on third reading entitled:

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the

Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 963 (House Bill No. 71) on third reading entitled:

A Joint Resolution proposing an amendment to Article one section six of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 969, (House Bill No. 1360), as follows:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended extending the time within which appeals from auditors' report may be taken

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and twenty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" which was last amended by section forty-four of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and forty-three) is hereby further amended to read as follows

Section 2622 The Commonwealth any school district of the second or third class or any taxpayer thereof on behalf of said Commonwealth district or any person or persons against whom any sum has been charged in any report filed by the auditors of any such school district may appeal from any auditors' report Such appeal shall be taken to the Court of Common Pleas of the proper county by the Commonwealth within ninety (90) days after said report has been filed in the Department of Public Instruction and by all other applicants within [thirty (30)] forty-five (45) days after said report has been filed in the Court of Common Pleas Any taxpayer taking an appeal shall file in said Court of Common Pleas a bond with one or more sufficient sureties conditioned that the party appealing will prosecute said appeal with effect and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than the report appealed from When any such appeal shall be taken by the Commonwealth any school district or any person charged in such report with any sum of money any taxpayer of said district may come into court and intervene in said appeal and prosecute the appeal to final judgment and if any sum shall be found by the court to be chargeable to any person whose accounts are involved in said appeal the prothonotary shall enter judgment for said sum in favor of said district and against the person charged as aforesaid and the Commonwealth school district or such taxpayer may cause said judgment to be collected from the person charged or his sureties for the benefits of said district by any appropriate method executionary or otherwise or said taxpayer may defend the said district in any appeal taken by any person charged by the report of auditors as fully and effectively in both instances as the officers of said district might do Provided That such taxpayer shall at the time of intervening file in said court a bond with one or more sufficient sureties conditioned to indemnify said district from all costs that may accrue by reason of such intervention subsequently thereto When any taxpayer has intervened in any instance as above provided or when an appeal has been taken by any taxpayer as aforesaid the officers of said school district shall not make settlement with any person or persons charged with any sum or sums or whose accounts shall be involved in any appeal without the consent of such taxpayer When any appeal as aforesaid shall be taken by any of the parties above mentioned the appeal may be placed upon the argument list of the proper Court of Common Pleas by direction of any party interested by intervention or otherwise and depositions of witnesses and other evidence to be used at the argument may be taken on behalf of any said parties before any person competent to administer an oath upon rule for that purpose served upon the opposite party or such party's counsel After hearing argument the court shall file its finding of fact and law and enter judgment in accordance therewith Provided That if after argument the court shall deem any question or questions of fact so doubtful under the evidence submitted as to render it desirable that an issue should be directed as to such question or questions to be tried by a jury the court may direct such an issue Appeals may be taken by any person interested to the Superior or Supreme Court from any such judgment of the Court of Common Pleas in the same way that appeals are now authorized by law to be taken from rulings or decisions of the Court of Common Pleas made in appeals from settlements or reports of county borough or township auditors

Section 2 That section two thousand six hundred and twenty-six of said act which was last amended by section forty-five of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and forty-three) is hereby further amended to read as follows

Section 2626 The Commonwealth any school district of the fourth class or any independent school district or any taxpayer thereof on behalf of said Commonwealth district or any person or persons against whom any sum has been charged in any report filed by the auditors of any such school district may appeal from any auditors' report Such appeal shall be taken to the Court of Common Pleas of the proper county by the Commonwealth within ninety (90) days after said report has been filed in the Department of Public Instruction and by all other appellants within [thirty (30)] forty-five (45) days after said report has been filed in the Court of Common Pleas Any taxpayer taking an appeal shall file in said court of common Pleas a bond with one or more sufficient sureties conditioned that the party appealing will prosecute said appeal with effect and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal When any person or persons

charged with any sum of money in any such report of auditors shall appeal therefrom such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than the report appealed from When any such appeal shall be taken by the Commonwealth any such school district or any person charged in such report with any sum of money any taxpayer of said district may come into court and intervene in said appeal and prosecute the appeal to final judgment and if any sum shall be found by the court to be chargeable to any person whose accounts are involved in said appeal the prothonotary shall enter judgment for said sum in favor of said district and against the person charged as aforesaid and the Commonwealth school district or such taxpayer may cause said judgment to be collected from the person charged or his sureties for the benefit of said district by any appropriate method executionary or otherwise or said taxpayer may defend the said direct in any appeal taken by any person charged by the report of aduitors as fully and effectively in both instances as the officers of said districts might do Provided That such taxpayers shall at the time of intervening file in said court a bond with one or more sufficient sureties conditioned to indemnify said district from all cost that may accrue by reason of such intervention subsequently thereto When any taxpayer has intervened in any instance as above provided or when an appeal has been taken by any taxpayer as aforesaid the officers of said school district shall not make settlement with any person or persons charged with any sum or sums or whose accounts shall be involved in any appeal without the consent of such taxpayer When any appeal as aforesaid shall be taken by any of the parties above mentioned the appeal may be placed upon the argument list by direction of any party interested by intervention or otherwise and depositions of witnesses and other evidence to be used at the argument may be taken on behalf of any of said parties before any person competent to administer an oath upon rule for that purpose served upon the opposite party or such party's counsel to be used at the argument After hearing argument the court shall file its finding of fact and law and enter judgment in accordance therewith Provided That if after argument the court shall deem any question or questions of fact so doubtful under the evidence submitted as to render it desirable that an issue should be directed as to such question or questions to be tried by a jury the court may direct such an issue Appeals may be taken by any person interested to the Superior or Supreme Court from any such judgment of the Court of Common Pleas in the same way that appeals are now authorized by law to be taken from rulings or decisions of the Court of Common Pleas made in appeals from settlements or reports of county borough or township auditors

Section 3 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe.
Eroe,	Howell,	McGinnis,	Sones.
Frey.	Jacobs.	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney.	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House os requested.

BILLS OVER IN ORDER

Mr. EROE .Mr. President, I ask unanimous consent that Senate Bill No. 980 (House Bill No. 1705) on third reading entitled:

An Act to reenact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws eighty-six) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes and changing the penalties prescribed

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1011 (House Bill No. 817) on third reading entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1017 (House Bill No. 2154), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenue, levied. assessed collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

And said bill having been read at length the third time,

On the question,

Mr. RICE. Mr. President, I ask unanimous consent to amend section 2, page 3, line 19 by striking out at the end of the line the following: [SC Provided]

Amend section 2, page 3, by striking out lines 20 to 24, inclusive.

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to,

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to,

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1020, entitled:

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the ecployment by school auditors and for the compensation of an attorney.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered that the Clerk present said bill to the House of Representatives for concurrence.

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1011 on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1011 (House Bill No. 817), entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1025, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen article four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended further defining group life insurance.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1029 (House Bill No. 1113), entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, and one thousand nine hundred and thirty-five, and validating the liens of such taxes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,

Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1041, on third reading entitled:

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teachers to be citizens except in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1043, entitled:

A Joint Resolution proposing an amendment to section four Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 1047 on third reading entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further modifying the terms qualifications and other conditions under which the investment of trust funds may be made by fiduciaries by further providing for additional investments of trust funds by fiduciaries and by further providing with respect to the retention or sale of certain investments in the hands of fiduciaries.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1050, entitled:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred sixty-one) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor" by substituting Owen J. Zimmerman or his successor in title for Samuel Zimmerman.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1051 on third reading entitled:

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been of shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1053, entitled:

A Joint Resolution authorizing the Insurance Department and the Department of Revenue to make a fair and impartial joint investigation of the efficacy wisdom and practicability of the laws of the Commonwealth relating to automobile insurance and the laws in effect in other states relating to automobile insurance for the purpose of ascertaining the advisibility of enacting in this Commonwealth a compulsory motor vehicle insurance law or an automobile accident compensation law or both requiring said departments to make a joint report to the next session of the General Assembly of their findings and recommendations as to such legislation as may be necessary or desirable and conferring upon the Insurance Commissioner and the Secretary of Revenue power to issue subpoenas and the courts power to punish those refusing to obey the same.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1061 (House Bill No. 1769), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. EALY. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HOWELL. Mr. President, I second the motion

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1074, as follows:

An Act providing a method of annexation of boroughs to cities of the third class and regulating the proceedings pertaining thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever electors equal to at least ten per centum of the highest vote cast for any office in any borough contiguous to a city of the third class at the last preceding general election shall petition the council of the borough for the annexation of the borough to the contiguous city and for a referendum on the question of such annexation the council shall cause a question to be submitted at the primary general or municipal election occurring at least sixty days thereafter or if no such election shall occur within ninety days after the presentation of such petition then at a special election to be called and held as provided by the election laws of this Commonwealth within such period of ninety days The council shall certify a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election both in such borough and in the city of the third class to which annexation is desired in the manner provided by the election laws of this Commonwealth

Such question shall be in the following form

Do you favor the annexation of the borough of	Yes	
to the city of ..... ?	No	

If a majority of the persons voting on such question in the borough and a majority of the persons voting on such question in the city shall vote "yes" then the borough shall on the first Monday of January next following be and become a part of the city of the third class

Section 2 Until changed in the manner provided by law the borough if not divided into wards shall constitute a separate new ward of the enlarged city and if

the borough at the time of the annexation was divided into wards then each ward of the borough shall constitute a separate new ward of the enlarged city and shall be numbered by the council of the city consecutively beginning with the next highest number after the existing highest numbered ward of the city Until changed in the manner provided by law all election districts in the borough shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

Section 3 All the indebtedness of the borough annexed to a contiguous city of the third class under the provisions of this act as well as the indebtedness of the city to which the same is annexed shall be paid by the city as enlarged by such annexation and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city

All of the public property owned by any such borough shall become and remain the public property of the city to which it is annexed

Section 4 When an election is held on the question of annexation under the provisions of this act and the borough proposed to be annexed votes against such annexation the question of such annexation shall not again be voted upon for a period of two years from the date of such election

Section 5 The provisions of this act are in addition to and shall not be construed to repeal or affect any of the provisions of article five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MUNDY. Mr. President, I ask unanimous consent to amend section 1, page 1, line 11 by inserting after the word "the" the following: "Primary"; amend section 1, page 1, line 12 by striking out the words "by certifying" and inserting in lieu thereof: "or if no such election should occur with 90 days after the presentation of such petition, then at a special election to be called and held as provided by the election laws of this Commonwealth with such period of 90 days. The council shall certify."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1081, (House Bill No. 1639), entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment and training of defective delinquents; providing for the commitment and transfer of such persons to such institutions and discharge therefrom; conferring powers and imposing duties on the Department of Welfare and courts; and imposing certain charges on counties.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RUTH. Mr. President, I ask unanimous consent to amend page 1, line 4 of the title by inserting after the word "delinquents" and before the word "providing" the following: "authorizing the preparation and equipment (including necessary construction) of the institution for such purposes either by the Department of Property and Supplies or The General State Authority and authorizing the necessary leases or conveyances for this purpose changing the name of the Board of Trustees of Pennsylvania Industrial School"; amend page 1, line 7 of the title by inserting after the word "the" and before the word "Department" the following: "aforesaid board of trustees the"; amend section 1, page 2, line 8 by striking out after the word "the" and before the word "erection" the following: "(acquisition of lands and the)"; amend section 1, page 2, line 11 by striking out at the end of the line the following: "(conferring powers and impos-)"; amend section 1, page 2 by striking out lines 12 and 13; amend section 1, page 2, line 14 by striking out at the beginning of the line the following: "(on counties and making an apporpriation")"; and inserting in lieu thereof the following: "designating the manner of acquiring or setting aside of land for the erection and construction of the new school by the General State Authority authorizing the Commonwealth to lease the new school and its grounds from the General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon and conferring powers and imposing duties upon certain State departments boards commissions and officers."; amend section 1, page 2, line 17 by striking out after the word "Welfare" and before the word "shall the following: "with the approval of the Governor"; amend section 1, page 2, line 17 by striking out after the word "shall" and before the word "have" the following "(prepare and)"; and inserting in lieu thereof the following "either through the Department of Property and Supplies or the General State Authority."; amend section 1, page 2, line 17 by inserting after the word "have" and before "prop-" the following: "prepared and"; amend section 1, page 2, line 18, by inserting after the word "equipped" and before the word "the" the following: "(including any necessary construction)"; amend section 1, page 2, line 24, by striking out at the end of the line the following: "(said institution shall be known as the Pennsylvania)"; amend section 1, page 2 by striking out line 25 and inserting in lieu thereof the following new paragraphs:

"In the event it is determined to have the said institution prepared and equipped (including any necessary construction) by the General State Authority, the Department of Property and Supplies, with the approval of the

Governor, is hereby authorized to either lease for a period not in excess of ninety-nine (99) years, or grant and convey to the General State Authority (whichever may be required by said Authority) such land and buildings comprising said institution as may be necessary to enable The General State Authority to prepare and equip the institution as aforesaid. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized to enter into a lease for not more than fifty (50) years with the General State Authority to acquire the use of the institution and its grounds after it is prepared and equipped by the General State Authority as aforesaid for use as a State institution for defective delinquents."

"Said institution shall be known as the Pennsylvania Institution for Defective Delinquents." Amend section 2, page 3, line 4 by inserting after the word "the" and before the word "department" the following "Board of Trustees of Pennsylvania Industrial School (hereinafter called the board) and the"; amend section 2, page 3, line 7 by striking out at the end of the line the following: "(of a superintendent deputy su-"); amend section 2, page 3, by striking out lines 8 to 11 inclusive; amend section 2, page 3, line 12 by striking out at the beginning of the line the following: "(ted thereto or detained therein)" and inserting in lieu thereof the following: "Provided That said board shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents"; amend section 2, page 3, line 13 by striking out at the beginning of the line the following: "(persons so appointed)" and inserting in lieu thereof the following: "officers and employes"; amend section 9, page 6, line 17 by striking out at the end of the line the word "(Department)"; amend section 9, page 6, line 18 by striking out at the beginning of the line the following: "(of Welfare)" and inserting in lieu thereof the word: "board"; amend section 9, page 6, line 21 by striking out at the beginning of the line the word: "(it)" and inserting in lieu thereof the following: "the board shall notify the Department of Welfare whereupon such department"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1093 (House Bill No. 905), entitled:

An Act prohibiting industrial police from carrying weapons when not on duty requiring them to leave the same at place of employment and prescribing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28.

Cavalcante,	Heyburn,	Law,	Rice,
Dando,	Howell,	Mallery,	Rupp,
Eroe,	Jacobs,	McCreesh,	Ruth,
Frey,	Kahle,	McGinnis,	Sipe,
Gilson,	Kilgallen,	Mundy,	Sones,
Haluska,	Kunkel,	Pytko,	Thompson,
Henney,	Lanius,	Reed,	Huffman,

NAYS—3.

Gelder,	Homsher,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1119 on third reading entitled:

An Act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1120, entitled

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly", by providing further procedure for preserving such liens and enforcing payment of such claims.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Sipe,
Eroe,	Howell,	McGinnis,	Sones,
Frey,	Jacobs,	Mundy,	Thompson,
Gelder,	Kilgallen,	Pytko,	Wolfenden,

Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,
Henney,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1121, entitled:

An Act providing for the erection, construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from The General State Authority, upon its completion, and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties, to the extent, and in the manner, provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Woodward,
Henney,	Lanius,	Rice,	Huffman,
Heyburn,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 1124 on third reading entitled:

An Act making an appropriation to the Safety Commission.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. KUNKEL. Mr. President, I move that Senate Bill No. 1125 (House Bill No. 135), on third reading, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators, or those attempting to form an association, of labor groups, to approve or disapprove their incorporation, or their attempted association, or right to do business within the Commonwealth.

be recommitted to the Committee on Corporations.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1134, entitled:

An Act to repeal the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred two) entitled "An act transferring money from the State School Fund to the General Fund and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney,	Lanius,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1137 on third reading entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section eighteen.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1138, entitled:

An Act prohibiting the sale transfer purchase ownership possession and use of tear and noxious gas and tear gas guns providing certain exemptions and providing penalties

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney.	Lanius,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideratoin of Senate Bill No. 1148 (House Bill No. 1411), entitled:

An Act to further amend the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," by conferring certain powers on the State Board of Optometrical Examiners; further regulating and providing for the licensing of branch offices; prescribing additional grounds for refusing, cancelling, revoking or suspending licenses; and making certain changes as to persons who are and those who are not subject to the provisions of the act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney.	Lanius,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1152 on third reading entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the orphans' court to conduct jury trials to determine issues awarded by it and regulating the procedure and appeals in such cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1153, entitled:

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of the cities of the second class" establishing a Department of Lands and Buildings in said cities providing for its officers and employes defining the powers duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney,	Lanius,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1154, entitled:

An Act to amend article four of the act approved the seventh day of March one thousand nine hundred one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,

Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney,	Lanius,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1156, entitled:

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of waterworks and for extensions and improvements to waterworks providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers and establishing the rights of bondholders.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney,	Lanius.	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1157, entitled:

An Act authorizing and empowering cities of the second class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain and to use sell and purchase water within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney,	Lanius,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and coneration of Senate Bill No. 1158, entitled:

An Act providing a method of annexation of townships and parts of townships to cities and boroughs and regulating the proceedings pertaining thereto

And said bill having been read at length the third time,

On the question,

Mr. KILGALLEN. Mr. President, I ask unanimous conto amend sec. 1 page 1, line 7, by striking out the words: "a majority" and inserting in lieu thereof: "ten per centum"; amend title, page 1, line 1 of title, by inserting after the word "townships" the following: "of the first class"; amend title, page 1, line 2 of title, by striking out the words "of townships' and inserting in lieu thereof "thereof"; amend sec. 1, line 5, by inserting after the word "township" the following: "of the first class"; amend sec. 1, page 1, line 8, by inserting after the word "township" the following: "of the first class"; amend sec. 1, page 1, line 10, by inserting after the word "township" the following: "of the first class"; amend sec. 1, page 1, line 11, by striking out the words "of a township" and inserting in lieu thereof "thereof"; amend sec. 1, page 2, line 4, by inserting after the word "township" the following: "of the first class"; amend sec. 1, page 2, line 21, by striking after the word "township" where it first appears in said line, the following: "of the first class"; amend sec. 1, page 2, line 21, by striking out the words "of a township" and inserting in lieu thereof "thereof"; amend sec. 1, page 2, line 29, by inserting after the word "ship" the following: "of the first class"; amend sec. 2, page 3, line 3, by inserting after the word "township" where it first appears in said line, the following: "of the first class"; amend sec.2, page 3, line 3, by striking out the words "of a township" and inserting in lieu thereof "thereof"; amend sec. 2, page 3, line 15, by inserting after the word "township" the following: "of the first class"; amend sec. 2, page 3, lines 15 and 16, by striking out the words "of a township" and inserting in lieu thereof "thereof"; amend sec. 3, page 3, line 24, by inserting after the word "township" the following: "of the first class"; amend sec. 4, page 4, line 9, by striking after the word "township" the following: "of the first class"; amend sec. 7, page 6, line 25, by inserting after the word "townships" the following: "of the first class"; amend sec. 8, page 7, line 6, by inserting after the word "township" the following: "of the first class"; amend sec. 9, page 7, line 12, by striking after the word "township" the following: "of the first class"; amend sec. 9, page 7, line 12, by striking out the words "of a township" and inserting in lieu thereof "thereof"; amend sec. 9, page 7, line 20, by inserting after the word "township" the following: "of the first class"; amend sec. 9, page 7, line 21, by striking out the words "of a township" and inserting in lieu thereof "thereof"; amend sec. 10, page 7, line 25, by inserting after the word "township" the following: "of the first class"; amend sec. 10, page 7, lines 25 and 26, by striking out the

words "of a township" and inserting in lieu thereof "thereof"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to,

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to,

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and coneration of Senate Bill No. 1166, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college and maknig an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. REED. Mr. President, this bill is here to take care of a very unusual situation down at California State Teachers' College. Right adjoining the beauitiful grounds of the California Teachers' College lies the old Rockwell homestead, which has been in that name for many years. Recently Mr. Rockwell died, and the property which he owned, consisting of seven or eight acres, abuts right on California Teachers' College property. Under this Rockwell tract of land lies a virgin tract of coal. This tract of coal is valuable and has been for many years, it has been said by people wanting to develop it. If this tract of land gets into the hands of any people who want to dig out the coal, because the coal lies near the surface, it will ruin this tract of land and make a very unsightly piece of property, lying right against the property of the Teachers' College. Since Mr. Rockwell died, the state authorities have had an opportunity to purchase this land, and I have been told that they thought this had been taken care of in the budget. The Governor was down and inspected the institution, and I understand he informed the authorities that they should have this land, and I say now that they have an opportunity to purchase it and the price is not too high, as I understand it can be purchased for $15,000, it is something that I feel should be done for the benefit of the State and for the benefit of the schools, and I sincerely hope that we can pass this bill and make it possible for the State to have that very valuable and very beautiful tract of land.

And on the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney,	Lanius,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1171, entitled:

A Joint Resolution proposing an amendment to Article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31.

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	Mallery,	Ruth,
Eroe,	Howell,	McCreesh,	Sipe,
Frey,	Jacobs,	McGinnis,	Sones,
Gelder,	Kahle,	Mundy,	Thompson,
Gilson,	Kilgallen,	Pytko,	Wolfenden,
Haluska,	Kunkel,	Reed,	Huffman,
Henney,	Lanius,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. KILGALLEN. Mr. President, I call up at this time Senate Bill 462, (House Bill No. 32), on third reading, postponed.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 462, (House Bill No. 32), as follows:

An Act to amend clause (b) of section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended providing for compensation for members of joint sewer boards

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (b) of section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as added by section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Pamphlet Laws seventeen) is hereby amended to read as follows

(b) The cities boroughs and townships joining or contemplating joining in any such improvement in order to facilitate the building of the same and securing preliminary surveys and estimates may by ordinance or re-

solution provide for the appointment of a joint sewer board composed of one representative from each of the cities boroughs and townships joining which shall act generally as the advisory and administrative agency in the construction of such improvement and its subsequent operation and maintenance The members of such board shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed The joint sewer board shall organize by the election of chairman vice-chairman secretary and treasurer The several cities boroughs and townships may in the ordinances and resolutions creating the joint sewer board authorize the board to appoint an engineer a solicitor and such other assistants as are deemed necessary and agree to the share of the compensation of such persons each city borough and township is to pay The members of the joint sewer board shall receive [no] such compensation [but] for attending meetings of the board as shall be fixed in the budget prepared by the board for submission to and adoption by the several cities boroughs and townships as hereinafter provided and the budget item providing for the compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars ($250) per year and no member shall be paid unless he actually attends and the fee for each such attendance shall be stipulated and the members in addition thereto shall be entitled to actual expenses to be paid by the respective cities boroughs and townships which such members represent

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30.

Cavalcante,	Homsher,	Mallery,	Rupp,
Dando,	Howell,	McCreesh,	Ruth,
Eroe,	Jacobs,	McGinnis,	Sipe,
Frey,	Kahle,	Mundy,	Sones,
Gilson,	Kilgallen,	Pytko,	Thompson,
Haluska,	Kunkel,	Reed,	Wolfenden,
Henney,	Lanius,	Rice,	Huffman,
Heyburn,	Law,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. MUNDY. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none

Mr. MUNDY from the Committee on Rules reported as amended the following resolution which was twice read, considered and agreed to:

In the House of Representatives, May 3, 1937.

Resolved (if the Senate concur) That this regular session of the General Assembly adjourn sine die, Friday, May twenty-eighth, 1937, at 12 o'clock noon.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his question of personal privilege.

Mr. HALUSKA. Mr. President, I desire to make a statement. We have passed a resolution now to adjourn sine die May 28th, and after listening to an announcement by the clerk that this body will stay in session for five days next week, I think it is only just, and I wish to issue a warning. I am as anxious to get home as any man in this Chamber, but I see no reason for a small number of the members to stay here and the balance of them go home. Next week, in the event that we have only a small group here I issue a warning now that I shall ask for a call of the House and have every member brought back unless he leaves here through a leave of absence.

Mr. GELDER. Mr. President, I would say that the Senator should issue the warning on next Monday night, when the absentees are here and not to those who are present now.

Mr. HALUSKA. Mr. President, I shall do that on Monday night.

The PRESIDENT. I think the suggestion made by the Senator from Cambria, Mr. Haluska, is a very good one; however, I think it will not be necessary for him to repeat it on Monday night, as the members will be here.

Mr. CAVALCANTE. Mr. President, I ask for a call of the Senate, whatever that means under parliamentary rules, that is what I am asking for.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, has raised the question of no quorum.

Mr. GELDER. Mr. President, is there a motion before the Senate?

Mr. CAVALCANTE. Mr. PRESIDENT, it is not a motion, I merely asked for a call of the Senate, and it appearing that there are now here 26 members, I will withdraw my request.

REPORT FROM COMMITTEE

Mr. KAHLE. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KAHLE from the Committee on Mines and Mining reported as amended, Senate Bill No. 365, entitled:

An Act to further amend the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and repealing inconsistent acts.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee

of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 32, as follows:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the use of the School of Mineral Industries for the following purposes

For extension instruction of mineral industries workers for the purchase of necessary equipment for resident instruction and study in mineral industries and for the support of research and investigation of long pull basic problems affecting the mineral industries the sum of fifty thousand dollars ($50,000)

For the purpose of matching money contributed by industry to the School of Mineral Industries for research investigation and instruction the sum of fifty thousand dollars ($50,000) Provided That no more shall be expended from this item than may be required to matche an equal sum contributed by one or more industries for research investigation and instruction

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 143, entitled:

An Act to amend the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufactured bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as amended by further regulating the manufacture and sale of carbonated beverages and still drinks changing the penalties prescribed and providing for injunctions in certain cases

The first and second sections of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as amended by section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 851) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "carbonated beverages" or "still drinks" as used in this act shall include all carbonated beverages or still drinks fruit juices and mineral waters when ready for use as a beverage whether still or carbonated and whether simple mixed or compounded The term shall not include natural apple cider unfermented grape juice cereal beverages or carbonated beverages or still drinks made in imitation of beer bitter drinks or othr similar beverages

The term "fruit juices" shall mean the natural juices of fruits sweetened or unsweetened which are marketed in bottles cans or other containers

The word "person" shall include individuals associations copartnerships and corporations

The singular shall include the plural the masculine shall include the feminine and neuter

Section 2 That section two of said act is hereby amended to read as follows

Section 2 It is unlawful for any person to sell offer or expose for sale or exchange or give away or have in possession with intent to sell any carbonated beverage or still drink except such as is manufactured prepared mixed or compounded by [himself] such person in his own home for consumption by himself his family or his guests unless the same has been registered with the Department of Agriculture The possession of any such nonregistered beverage shall be deemed prima facie evidence of an intent to sell the same

It is unlawful for any person to import into this Commonwealth for sale any carbonated beverage or still drink which is not registered with the Department of Agriculture

The third section of the bill was read as follows:

Section 3 That section five of said act as amended by the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 851) is hereby further amended to read as follows

Section 5 No carbonated beverages or still drinks shall be made except from syrup containing pure honey or pure refined cane or beet sugar or pure refined dextrose and pure flavoring materials with or without added fruit acids and with or without added color Such carbonated beverages or still drinks shall contain not less than eight per centum sugars by weight The provisions of this section with respect to the amount of sugars required shall not apply to ginger ale or to non-alcoholic fruit juices This section does not prohibit the use of caramel colors or any other harmless ingredient and nothing but harmless certified approved artificial coal tar dye products and colors shall be used Provided That no color shall be used in orangeade or orange drinks which may tend to mislead the public by imitating or stimulating the appearance of the natural juice of the orange

All carbonated beverages or still drinks shall be deemed to be adulterated which are not in compliance with the provisions of this section or which contain any of the ingredients prohibited by section three of the act approved the eleventh day of March one thousand nine hundred and nine (Pamphlet Laws fifteen) entitled "An act relating to non-alcoholic drinks defining the same and prohibiting the manufacture sale offering for sale exposing for sale or having in possession with intent to sell of any adulterated or misbranded non-alcoholic drinks and providing penalties for the violation thereof and providing for the enforcement thereof or which contain hydrogen peroxide or peroxides or perborates or benzoate of soda or benzoates or any other substance deleterious to health Provided That carbonated beverages and still drinks may contain not in excess of one-tenth (1/10) of one per-centum of benzoate of soda or benzoates provided the bottles or other containers are labeled or in the case of bulk drinks suitable display cards are printed to show that the said drinks contain not in excess of one-tenth (1/10) of one percentum of benzoate of soda or benzoates

The Secretary of Agriculture is hereby authorized to adopt and issue rules and regulations for the proper enforcement of this act and for the protection of the public health

On the question,

Will the Senate agree to the section?

Mr. MUNDY. Mr. President, I move to amend sec. 3 (sec. 5), page 4, line 23, by striking out the following "stimulating" and inserting in lieu thereof: "simulating"

Mr. SIPE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to,

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows and agreed to.

Section 4 That sections eight ten thirteen and twenty of said act are hereby amended to read as follows

Section 8 Every bottle filled with carbonated beverages or still drinks shall be distinctly marked labeled or capped so as to show the true name of the carbonated beverages or still drinks contained therein and the name and address of the manufacturer or bottler

Section 10 No bottles shall be used in the manufacturing or bottling of carbonated beverages or still drinks in which the metal or rubber parts of the stopper come in contact with the beverage or drink The provisions of this section shall not apply to carbonated water put in syphons nor to aluminum bottle caps or caps made of other metals found by the Department of Agriculture not to be injurious to health

Section 13 All carbonated beverages or still drinks manufactured sold or offered for sale at or tributory to fair grounds carnivals circus grounds parks resorts and all other places within the State shall be made from pure honey or pure refined cane or beet sugar or pure refined dextrose and in compliance with the provisions of the non-alcoholic laws of Pennsylvania

Section 20 (a) Any person violating any of the provisions of this act except section four thereof or interfering with or refusing to give access to the Secretary of Agriculture or any of his agents or assistants shall [be guilty of a misdemeanor and upon conviction thereof shall] for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) [or] and the costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail of not less than thirty (30) days nor more than ninety (90) days [or both] and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both in the discretion of the court

(b) The Attorney General at the request of the Department of Agriculture may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas Dauphin County for the purpose of enjoining the manufacture and sale of carbonated beverages and still drinks in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

The title of the bill was read as follows and agreed to.

An Act to amend the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as amended by further regulating the manufacture and sale of carbonated beverages and still drinks changing the penalties prescribed and providing for injunctions in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 207, as follows:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the use of the School of Engineering for experimental and research work

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 233 on second reading entitled:

An Act providing medical aid for certain pupils in public and private schools apportioning funds to various school districts through the Department of Public Instruction and making an appropriation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 387, entitled:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to carry into effect the act of Congress approved July second one thousand eight hundred and sixty-two granting public land to the several states for educational purposes and subsequent acts of Congress related thereto and the act of the Legislature of Pennsylvania approved April first one thousand eight hundred and sixty-three and subsequent acts of the Legislature of Pennsylvania accepting the provisions and conditions of said acts of Congress and pledging the faith of the State to carry the same into effect the sum of four

million four hundred and fifty-eight thousand dollars ($4,458,000) is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-seven to the Trustees of the Pennsylvania State College for the following purposes

For the general maintenance of instruction research and extension in the School of Agriculture the School of Engineering the School of the Liberal Arts the School of Mineral Industries the School of Chemistry and Physics the School of Education the Graduate School the School of Physical Education for the general maintenance of other departments offices and services including repairs and improvements to the grounds and buildings service of light heat power water and sewage disposal salaries and wages materials supplies equipment books and periodicals insurance and interest and such other expenditures as the trustees may deem necessary and practicable including any payments becoming due under a cooperative agreement between the Commonwealth and the trustees for the joint use of the facilities of the Pennsylvania State Forest School at Mont Alto

Mr. RICE. Mr. President, at the request of the sponsor of the bill, I move to amend Section 1, page 2, line 14, by inserting after the word "Education" the words "SC and Athletics" Amend Section 1, page 2, line 14, by inserting after the word "other" the word "SC schools"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect.

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 411, as follows:

An Act relating to public assistance including unemployment relief mothers' assistance old age assistance and pensions for the blind defining the purpose for which moneys appropriated for unemployment relief may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State officers and departments county officers poor directors and courts of common pleas creating county assistance boards and prescribing their powers and duties and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Emergency Relief Board shall make allocations from time to time out of the moneys appropriated to it for unemployment relief mothers' assistance old age assistance and pensions for the blind among the several counties of this Commonwealth All moneys appropriated for unemployment relief shall be allocated for work relief and direct relief on a ratio that the estimated total number of unemployed persons in a county bears to the estimated total number of unemployed persons in the entire Commonwealth as shown from time to time by the latest available tables compiled and issued by the Department of Labor and Industry under such system of requisitioning and accounting as the Governor Auditor General and State Treasurer shall determine

The money so allocated to a county for unemployment relief shall be available for expenditure in that county for direct relief and work relief or the unemployed who are without means of support by the county assistance boards as hereinafter provided

Section 2 There is hereby created in each county of this Commonwealth a county assistance board composed of five citizens two of whom shall be appointed by the Governor and two by the Court of Common Pleas of the county and the fifth of whom shall be the chairman of the board of county commissioners of the county The appointed members of the board shall at all times be subject to removal by the appointing power The members of county assistance boards shall serve without compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties Each county assistance board with the consent and approval of the county commissioners of the county shall have power to employ such experts clerks and assistants as may be deemed necessary to discharge the duties imposed by this act and to fix their compensation All persons so employed shall have been residents of the county at least two years prior to the time of their employment

The compensation of experts clerks and assistants and all other administrative expenses of a county assistance board shall be paid from funds allocated to the county by the state and the county but not more than an amount equal to six per centum of the amount so allocated for any month shall be expended for salaries wages and other administrative expenses The county commissioners shall furnish to the county assistance board a suitable office or offices at the county seat the rental and expenses of operating which shall be deemed part of the administrative expense

Section 3 The county assistance boards created under this act shall supersede the local relief boards and agencies created by the State Emergency Relief Board for the distribution of unemployment relief and the boards of trustees of the mothers' assistance fund and the boards of pension fund for the blind of the several counties and all such boards and agencies are hereby abolished All records books papers documents and moneys in the possession of local relief boards and agencies shall upon the effective date of this act be transferred to the county assistance boards created by this act

Section 4 Each county assistance board shall have power and its duty shall be to administer enforce and carry into effect the laws of this Commonwealth relating to

(a) Aid to dependent children known as mothers' assistance in accordance with the provisions of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws 893) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State supervisor and assistants and fixing the salaries of such State supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of the act to appropriate certain moneys and providing penalties" and the amendments thereto

(b) Assistance to and burial of certain aged indigent residents in accordance with the provisions of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws 28) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welare and the boards of trustees of the Mothers' Assistance Funds

of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail or any reason providing penalties and repealing inconsistent acts"

(c) Pensions for the blind in accordance with the provisions of the act approved the ninth day of July one thousand nine hundred and thirty-five (P. L. 621) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties"

(d) Assistance to the unemployed in accordance with the provisions of this act

Section 5 Each county assistance board shall be held solely responsible for the expenditure of the money appropriated for unemployment relief mothers' assistance old age assistance and pensions for the blind and allocated to its county and shall determine its own policies without being subject to any direction or control on the part of any officer or agency of the state government Each such board shall determine the amounts to be allowed to individuals and families entitled to unemployment relief County assistance boards shall also designate and approve all work relief projects within their respective counties and fix the amount to be expended thereon Moneys allocated for unemployment relief shall be expended only for food clothing fuel shelter medical and dental care and work relief for residents who are without means of support

Section 6 In order to minimize the cost of administering its functions under the provisions of this act each county assistance board shall to the fullest extent possible employe the services of the agencies and facilities of existing local authorities charged by law with the care of the poor and the services of local chapters of the Red Cross welfare federations and other going charitable organizations dealing with the problems of the needy and unemployed in so far as such services are available and the board deems such organization worthy of confidence

At the end of each period of three months the State Emergency Relief Board may require a report from each county assistance board If from any such report it appears that a county assistance board has expended a greater sum of money than it did during the three proceeding months such board shall be required to appear before the State Emergency Relief Board to justify such increased expenditures

Section 7 The moneys paid to a county assistance board from time to time shall be paid into the county treasury for safe-keeping and shall be paid out of the county treasury under such system of requisition and accounting as the county assistance board and the county treasurer of the county shall by agreement establish Any county treasurer may with the consent of the county assistance board appoint one or more clerks to assist him in the performance of his duties in receiving and paying out moneys and the compensation of such clerk or clerks shall be paid as part of the administrative expense of the county assistance board

Section 8 No unemployment relief shall be granted by any county assistance board except upon written application of the person applying therefor setting forth such information as the board may require Every application for relief filed with a board shall be acted upon within one week after the same is filed

Section 9 As soon as practicable after their appointment each county assistance board shall from time to time transfer all employable married men from their relief rolls for employment under the Works Progress Administation in exchange for a like number of unmarried men who are at such time employed under the Works Progress Administration and shall forthwith grant relief to such unmarried men so exchanged

Section 10 Any member or employe of any county assistance board who shall wilfully expend or authorize the expenditure of any money allocated to it under the provisions of this act for any purpose other than one authorized by this act or by law or who shall knowingly give or authorize the giving of aid under the provisions of this or any other act to any person not legally entitled to aid or any person who shall apply for or receive aid under the provisions of this or any other act when he or she is not legally entitled thereto because he or she has means of support or any person who shall sell any order issued to him or her by a county assistance board for cash or part cash or other consideration or sell any food clothing or fuel received for cash or other consideration shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to imprisonment for a term of not more than six months or both at the discretion of the court

Section 11 The expenditures of county assistance boards shall be audited from time to time by the Auditor General in the same manner as other expenditures of Commonwealth moneys and copies of such audits shall be furnished to each board whose accounts have been audited to the Governor and to the Legislative Reference Bureau The books papers records and documents of any county assistance board shall be open to inspection by taxpayers during business hours

Section 12 The State Emergency Relief Board may from time to time expend or authorize the expenditure of such sums as may be necessary out of any appropriation made to it but not exceeding one per centum thereof for the payment of salaries wages or other compensation of the director and other employes or assistants for the payment of postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles telephone rentals telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising and notices freight express cartage for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices for the payment of premiums on surety bonds for such officers and employes as may be required by statute or otherwise to furnish them for the faithul performance of their official duties or to account for funds in their possession for the payment of premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned and operated by the board or transferred to county assistance boards which policy or policies shall protect both the Commonwealth and state officers or employes and members and employes of county assistance boards operating such motor vehicles against claims for damages for injury to person or property for the payment of a premium for premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of the board including employes of county assistance boards for payment to the State Work Relief Compensation Fund of such moneys as may be necessary under the provisions of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1515) for the payment of rents or such buildings offices rooms storage space and lands as may be required for the accommodation or performance of the work of the board and for such other uses as the State Emergency Relief Board may in its discretion deem necessary to carry out the purposes for which the appropriation is made under this act

Section 13 The provisions of this act shall become effective on the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 411, the bill just read, be recommitted to the Committee on Welfare.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 414, on second reading, entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines providing for the safe periodic removal of dust accumulations from dry coal cleaning plants tipples and screening plants at or near bituminous coal mines and providing penalties

be recommitted to the Committee on Mines and Mining.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 477 on second reading entitled:

An Act to repeal the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred ninety-two) entitled "An act prohibiting cities boroughs towns and townships to increase or diminish the salary compensation or emoluments of elected officers after their election"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 494, (House Bill No. 557), as follows:

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the ame That the sum of five million dollars ($5,000,000) or so much there of as may be necessary is hereby specifically appropriated out of the General Fund to the Water and Power Resources Board for payment into the Flood Control Fund in the State Treasury for the purpose of making the same available for the purposes for which such Flood Control Fund is appropriated by law Provided however That not less than four million dollars ($4,000,000) of the sum appropriated by this act and paid into the Flood Control Fund shall be used and expended only for flood control work and improvements on and along the Susquehanna River and its tributaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. RICE. Mr. President, I move that the Senate Bill No. 494 the bill just read be placed on the postponed ndar.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 503, (House Bill No. 914), entitled:

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal licenses or registration certificates to persons engaged in professions trades or occupations requiring such renewals.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 504, (House Bill No. 915), entitled:

An Act authorizing the Department of Public Instruction to fix the annual expiration date for licenses and registration certificates for professions trades and occupations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 575, (House Bill No. 602), entitled:

An Act to amend section one thousand one hundred and two of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" empowering directors of departments to appoint persons employed in their departments; and assigning the fire department to the department of public safety.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 619, (House Bill No. 931), entitled:

An Act regulating the sale exchange removal and installation of certain plumbing fixtures in cities of the first class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. KUNKEL. Mr. President, I ask the unanimous consent that Senate Bill No. 629 on second reading entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain state departments commissions and officers authorizing certain local public officers and state departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and part of acts relating to corporations" further regulating the incorporation of non-profit corporations regulating and extending and restricting in certain cases the rights responsibilities authority and powers of such corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof further providing for and regulating the merger or consolidating and the dissolution of such corporations and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL. Mr. President, I ask unanimous consent that Senate Bill No. 630 on second reading entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for service required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" re-defining authorized capital stock eliminating certain approvals of articles of incorporation and certificates of authority and further regulating the incorporation of business corporations and the amendments to the articles thereof regulating and extending the rights responsibilities authority powers and immunities of such corporations and of reorganized corporations and of the shareholders thereof and the rights powers qualifications and compensation of the officers thereof providing for certificates of approval by the Department of State further providing for and regulating the merger or consolidation and dissolution of such corporations and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 645, as follows:

An Act limiting the amount that water companies may charge boroughs for fire protection and imposing duties on the Public Service Commission or its successor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person copartnership association and corporation operating as a public service company and supplying water to any borough for the purpose of fire protection may collect from such borough in periodic payments the actual cost of water pipes and fire hydrants furnished by it for such purpose together with the actual cost of laying and installing the same After such cost has been paid in full such water company shall be limited in its charges against the borough for fire protection purposes to the proper charge for the amount of water actually consumed and in addition thereto a reasonable service charge to be approved by the Public Service Commission or its successor

Section 2 In any case where any borough has heretofor made payments to any water company on the basis of pipe footage or number of hydrants and such payments have equaled or exceeded the actual cost of pipe hydrants laying and installation such charges shall be forthwith discontinued and a charge on the basis of water actually consumed and a reasonable service charge established

Section 3 The provisions of this act shall be enforced by the Public Service Commission or its successor

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 656 (House Bill No. 234), entitled:

An Act to re-enact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (P. L. 826) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs" as amended

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 711 (House Bill No. 77), entitled:

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in

the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 728 (House Bill No. 1303), entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties interest and costs imposed on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-four and for all previous tax years and the penalties imposed on such taxes for the tax year one thousand nine hundred thirty-five shall be abated without the necessity of further action on the part of the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal installments as follows one fourth on or before the first day of November one thousand nine hundred and thirty-seven one fourth on or before the first day of November one thousand nine hundred and thirty-eight one fourth on or before the first day of May one thousand nine hundred and thirty-nine and the final one fourth on or before the first day of November one thousand nine hundred and thirty-nine

(b) The respective current taxes for the years during such installment period shall be paid before they become delinquent

Section 2 In case any taxpayer shall default in the payment of any installment of taxes or in the payment of current taxes as required in section one of this act the penalties interest and costs on the installments of such delinquent taxes remaining unpaid shall not be abated but shall remain due and payable as provided by existing law Provided however That at any time during the installment period any tax payer who has accepted the installment system of payment provided by this act may pay the entire balance due on delinquent taxes for the year one thousand nine hundred and thirty-four and all previous years whereupon the penalties and interest on such delinquent taxes for such years and penalties and all costs on delinquent taxes for the year one thousand nine hundred and thirty-five shall be abated and all liens filed for delinquent taxes shall be satisfied of record Provided further however That the taxes for the then current year and all prior years are paid

Section 3 The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county and the taxpayer and the real estate shall not be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 743, as follows:

An Act to amend sections five six and twelve of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by providing for a secretary-treasurer in lieu of a secretary and a vice president of the board and establishing a method for determining classification of beneficiaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five six and twelve of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" are hereby amended to read as follows

Section 5 The director of the department of public safety shall be the president of said board the chief clerk of the department of public safety shall be the [secretary] secretary-treasurer of said board for the performance of which services he shall be paid the sum of [fifty] seventy-five dollars per month and the city solicitor shall be the attorney and legal counsel of said board but shall receive no additional compensation therefor The board shall elect from among its members a vice president who shall serve without compensation and shall perform the duties of the president during his absence

Section 6 The president shall preside at all meetings of the board He shall appoint all committees sign all necessary papers approved by the board requiring his signature and perform such other duties as may be required by his office

The [secretary] secretary-treasurer shall keep minutes of all meetings of the board receive and receipt for all payments to the fund and keep accurate account between the fund and its members All checks shall be signed by the [secretary] secretary-treasurer and counter signed by the president of the board

There is hereby provided an account for the [secretary] secretary-treasurer to meet the small expenditures as may arise by the meetings of the board The [secretary] secretary-treasurer shall be responsible for the proper disposition of such account

The board shall hold regular monthly meetings at a time and place to be fixed by the board Special meetings of the board shall be called by the president whenever he deems it necessary or upon written request of seven members of the board or twenty-one members or beneficiaries of the fund

Section 12 Beneficiaries under said fund shall be rated and classified and shall be entitled to receive from the fund per month the amounts indicated in the following table to wit

Classification	Composed of	Monthly Payments
I Chief	Bureau of Fire	$150.
Superintendent	Bureau of Electricity	
II Deputy Chiefs	Bureau of Fire	$125.
Deputy Superintendents	Bureau of Electricity	
III Battalion Chiefs	Bureau of Fire	$105.
Chief Inspectors	Division of Fire Prevention	
Chief Wiring Inspectors	Bureau of Electricity	
IV Training School Instructors	Bureau of Fire	$97.50
V Captains	Bureau of Fire	$95.
Assistant Engineers	Bureau of Electricity	
Supervisors of Construction	Bureau of Electricity	
Fire Alarm Operators	Bureau of Electricity	
VI Lieutenants	Bureau of Fire	$90.
Engineers	Bureau of Fire	
Pumpmen	Bureau of Fire	
VII Drivers	Bureau of Fire	$85.
Electric Wiring Inspectors	Bureau of Building Inspection	
VIII Hose and Laddermen	Bureau of Fire	$80.
Aides	Bureau of Fire	
Assistant Engineers	Bureau of Fire	
Fire Alarm Box Inspectors	Bureau of Electricity	
Police Box Inspectors	Bureau of Electricity	
Instrument Repairmen	Bureau of Electricity	
Battery men	Bureau of Electricity	
Line Foremen	Bureau of Electricity	
Lineman	Bureau of Electricity	
Inspector	Bureau of Fire	
Inspector	Division of Fire Prevention	

The classification of any applicant for retirement or disability pension shall be determined as follows

(1) If the applicant has held the position he holds at the time of making the application continuously for one year or more prior thereto pension shall be granted as of the classification into which such position falls

(2) If the applicant has not held such position continuously for one year or more pension shall be granted as of the classification into which the last preceding position which he held continuously for one year or more falls whether such classification is higher or lower than the classification of the position held by applicant at the time of making the application

No application to become a beneficiary of the fund shall be filed or accepted until thirty days after the effective date of this act It is further provided that any member making such application who thereafter withdraws the same shall not be permitted to file a new application until one year after the date of the first application

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 795 (House Bill No. 859), entitled:

An Act to further amend section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" by changing the requirements of medical educational institutions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 799 (House Bill No. 1637), entitled:

An Act to amend the act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals county or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by making further provision for the imposition of liability upon and the payment by individuals counties and poor districts of the cost of admission care and maintenance of mental patients and inebriates and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates or in lieu thereof the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 807, as follows:

A Joint Resolution proposing an amendment to section one Article fourteen of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one Article fourteen of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 1 County officers shall consist of sheriffs coroners prothonotaries registers of wills recorders of deeds commissioners treasurers surveyors auditors or controllers clerks of the courts district attorneys and such others as may from time to time be established by law and no sheriff shall be eligible for the term next succeeding the one for which he may be elected

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 820, as follows:

An Act to further amend section one of the act approved the seventh day of April one thousand nine hundred

thirty-three (P. L. 27) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to transfer of structures and facilities of public service companies providing for ascertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventh day of April one thousand nine hundred thirty-three (P. L. 27) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-five (P. L. 387) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever in the construction widening or relocation of any State or county road highway bridge or tunnel or of any part thereof it becomes necessary in the opinion of the Secretary of Highways or of the county commissioners to occupy the whole or any part of the right of way of any public service company The State Department of Highways or the county commissioners as the case may be may enter upon and occupy the whole or any part of such right of way for the purpose of such road highway bridge or tunnel or part thereof Provided That before such right of way or any part thereof is so occupied in the case of State highways either the Department of Highways or the county accordingly as the one or the other may be responsible for property damages under the provisions of present or future laws governing the payment of damages for property condemned for highway purposes or in the case of county highways the county commissioners shall at the expense of the State or county provide a substitute right of way on another and favorable location [, and] . Such public service company shall thereupon provide for the transfer to or reconstruction upon in under or above said substitute right of way of any structures and facilities of said public service company located upon in under or above said original right of way at the time the same is so occupied The Department of Highways acting on behalf of the Commonwealth or the county as the case may be is hereby authorized to enter into agreements with such public service company to contribute toward the expense of such transfer or reconstruction and in the event that they are unable to agree on the amount to be paid the matter shall be referred to the Pennsylvania Public Utilities Commission which shall after hearing thereon make a finding of the amount to be paid to such public service company by the State or county In case of the failure of such public service company within a reasonable time after notice so to do to remove its facilities to such substitute right of way the said Pennsylvania Public Utilities Commission shall have jurisdiction on petition of either the Department of Highways or the county to order such transfer or reconstruction Any party to such proceedings before the Pennsylvania Public Utilities Commission shall have the right to appeal to the Superior Court of Pennsylvania from the ruling of the Commission The Department of Highways or the county commissioners of any county are hereby authorized to acquire by purchase or by the exercise of the right of eminent domain in the same manner that property is now taken and condemned for highway and road purposes any necessary land or right of way for the relocation of any such public service right of way and facilities Provided however That the right of way of a railroad company shall not be acquired or occupied under this act without the consent of the company owning or operating or in possession of said railroad

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 322, as follows:

An Act regulating the admission of persons to the practice of law in this Commonwealth establishing a commission and certain boards to investigate the character and fitness and to examine the general and legal educational qualifications of such persons abolishing certain other boards heretofore established authorizing the collection of fees for services to be rendered hereunder prohibiting certain acts or omissions providing a remedy and imposing penalties limiting the construction and interpretation hereof and repealing all acts and parts of acts inconsistent herewith

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That since the lives and liberties of the citizens of this Commonwealth and in many instances the property rights of persons are contingent upon competent and intelligent legal service and since properly educated and efficient practitioners of the law of good moral character are therefore a public necessity there is hereby established a State Board of Bar Examiners and a State Commission on Character and Fitness with jurisdiction throughout this Commonwealth and one District Board of Law Examiners for each judicial district within this Commonwealth

Section 2 The State Board of Bar Examiners shall consist of five attorneys-at-law to be appointed by the Governor by and with the advice and consent of the Senate from among the members of the bar who have been regularly admitted to the practice of law by the Supreme Court of this Commonwealth They shall hold their offices for a term of four years if they shall so long behave themselves well and shall receive for their services in addition to reimbursement for their traveling and other expenses a salary of four thousand dollars per annum payable by the State

Section 3 The State Commission on Character and Fitness shall consist of five attorneys-at-law to be appointed by the Governor by and with the advice and consent of the Senate from among the members of the bar who have been regularly admitted to the practice of law by the Supreme Court of this Commonwealth They shall hold their offices for a term of four years if they shall so long behave themselves well and shall receive for their services in addition to reimbursement for their traveling and other expenses a salary of four thousand dollars per annum payable by the State

Section 4 Each District Board of Law Examiners shall consist of a number of attorneys-at-law equal to the whole number of judges of the courts of record regularly elected and serving within the respective judicial districts in this Commonwealth except that no district board shall be composed of fewer than five members They shall be appointed by the judges of the judicial district in which they serve from among the members of the bar who have been regularly admitted to the practice of law by the court or courts of record established for such judicial district and shall hold their offices during good behavior for a term of two years They shall in addition to reimbursement for their traveling and other expenses if any receive for their services the sum of three dollars of each oral examination and investigation in which they shall severally be assigned to participate payable from the portion of the filing fee transmitted to the respective district board by the State Commission on Character and Fitness as hereinafter required Provided however That no more

than three members of any such district board shall be assigned to participate in any such oral examination and investigation at any one time

Section 5 The members of the State Board of Bar Examiners the State Commission on Character and Fitness and the District Boards of Law Examiners shall annually elect a chairman and a secretary and treasurer from among their respective members and except in the case of district boards when there are no applicants for registration or admission from their respective districts shall hold regular meetings no fewer than four times in each year They shall adopt and enforce rules and regulations not inconsistent with the provisions of this act incident to the conduct of their duties and responsibilities and shall prepare the same and other detailed information concerning the investigations and examinations both oral and written in a pamphlet for gratuitous distribution to intending applicants for registration or admission The members of the State Board of Bar Examiners the State Commission on Character and Fitness and the District Boards of Law Examiners shall be selected for appointment wherever such method is possible in such way that at the time of appointment one fifth of their respective numbers shall have been engaged in the active practice of law during no fewer than five nor more than ten years another fifth during no fewer than ten nor more than fifteen years another fifth during no fewer than fifteen nor more than twenty years another fifth during no fewer than twenty nor more than twenty-five years and the remaining fifth or fraction thereof during more than twenty-five years No person shall be elegible for appointment to membership upon any board or commission established by this act who at any time within the five years immediately prior to such appointment shall have given private instruction in law to any student or who within such period shall have been connected either directly or indirectly whether as an officer trustee director professor teacher instructor lecturer or otherwise with any university college or school offering instruction in law or in any branch of jurisprudence

Section 6 Except as regards the general authority of the judges of courts of record themselves to examine the general and legal educational qualifications of applicants for admission to the bar the State Board of Bar Examiners shall have exclusive power and authority to prepare and conduct all of the final oral and written examinations given to all persons hereafter applying for admission to the practice of law in this Commonwealth and it shall do so at appropriate places therein at least twice each year simultaneously during the months of April and October Such examinations shall consist of no fewer than forty nor more than one hundred questions in the subjects of the law hereinafter set forth and in such other subjects as may here after prescribed by law or by rule of the Supreme Court of this Commonwealth The State Board of Bar Examiners may with the approval of the Governor appoint an assistant secretary examiners to superintend and assist in preparing the examinations and to report upon the answers of the candidates and such stenographers and clerks as may be needed whose compensation shall be fixed as provided by law and paid by the State and it shall maintain its offices and files separate from those of the State Commission on Character and Fitness in such appropriate places within the Commonwealth as it may deem necessary It shall be entitled except as hereinafter provided to receive one third of the fees hereafter required to be paid by all applicants for registration or admission from which amount it shall cause all of its examination questions to be printed in such quantity that a reasonable excess may remain for gratuitous distribution after the examinations shall have been given and from which it shall also publish for gratuitous distribution after the examinations the correct answers required by it to the respective questions submitted therein so that all candidates and their preceptors may test the accuracy and fairness of the grading thereon Subject to the general authority of the judges as aforesaid it shall also have exclusive power to supervise the examinations on general educational qualifications to be given to all applicants for registration as law students who have not received an academic degree from an approved college or university by such generally recognized national or state examining board or agency as has been or may hereafter be prescribed by law or by rule of the Supreme Court With the approval of the Supreme Court it shall fix the passing grade at not exceeding seventy per centum for the final bar examination and sixty per centum for the general education examination for registration and after each examination it shall report to the State Commission on Character and Fitness the exact grades earned therein by each examinee as indicated in the impartial and indiscriminate code or number system assigned and used by the said commission as hereinafter provided

Section 7 Except as regards the general power of the judges of courts of record themselves to inquire into the the character fitness and general qualifications of all persons applying for registration as law students or for admission to the bar the State Commission on Character and Fitness shall have exclusive power and authority to prepare publish distribute receive file investigate and pass upon all applications and questionnaires hereafter required for the registration of law students and for the admission of persons to the general practice of law in any and all of the courts of record in this Commonwealth It shall have exclusive power to make recommendations to the Supreme Court and other appellate courts of record in this Commonwealth for the registration of law students and admissions to the practice of law of all persons hereafter applying therefor and for these purposes to conduct and supervise the examinations and investigations into the character fitness and general qualifications other than educational of such applicants Upon the completion of its investigations required by this act it shall recommend to the Supreme Court the registration as students at law of all persons thus found qualified by good moral character honest disposition and general fitness who have been graduated with an academic or an approved scientific degree from an approved university college or scientific school of collegiate rank Upon the completion of the investigations required by this act it shall certify to the State Board of Bar Examiners without disclosing identity other than by impartial and indiscriminate code or number system all persons who have not received a college degree as aforesaid but who are qualified by such character disposition and general fitness to take the general educational examinations for registration as students at law Upon completion of the investigations required by this act it shall also certify to the State Board of Bar Examiners without disclosing identity other than by an impartial and indiscriminate code or number system all persons thus found qualified by character and disposition and by general and legal educational training to take the final examinations for admission to the practice of law The State Commission on Character and Fitness may with the approval of the Governor appoint an assistant secretary investigators to assist in inquiring into and reporting upon the character and fitness of all applicants proctors to ascertain the identity of all examinees authorized by it to take the examinations given by the State Board of Bar Examiners and such stenographers and clerks as may be needed whose compensation shall be fixed as provided by law and paid by the State and it shall maintain its offices and files separate from those of the State Board of Bar Examiners in such appropriate places within the Commonwealth as it may deem necessary At the time of filing of all applications it shall impose upon and collect from each applicant for registration as a student at law and each applicant for admission to the practice of law a filing fee of forty-five dollars no more than two-thirds of which shall be refundable after the investigations into character and fitness shall have been begun by the respective District Board of Law Examiners and no more than one third of which shall be refundable after the character investigations shall have been begun by the State Commission on Character and Fitness and no part of which shall be refundable after the applicant shall have been registered as a student at law or after the applicant shall have been examined by the State Board

of Bar Examiners either for registration or for admission to the bar One third of the filing fee shall be retained by the State Commission on Character and Fitness to defray the cost of its inquiry another one third thereof shall be transmitted by it to the district board of law examiners for the judicial district within which the applicant resides or intends to practice to defray the cost of its inquiry and the remaining one third of which shall be transmitted by it to the State Board of Bar Examiners whenever the applicant is recommended for registration as a student at law or for admission to any general examination for registration or to any final examination for admission to the practice of law If the applicant withdraws the application for registration or admission before the investigations required herein shall have been begun the entire filing fee shall be refunded If after investigation the applicant be denied registration or the privilege of any general or final examination only one third of the filing fee shall be refunded

Section 8 The State Board of Bar Examiners and the State Commission on Character and Fitness shall annually make reports of their respective work to the Governor to the Attorney General and to the Supreme Court of this Commonwealth and shall thereupon respectively pay over to the State Treasurer the full amount of any cash balance then remaining in their hands

Section 9 Except as herein otherwise provided no person shall hereafter be registered as a student at law or be admitted to the practice of law in any appellate court of record in this Commonwealth unless a certificate of the State Commission on Character and Fitness recommending such registration or admission be produced and filed therein but no such certificate shall be granted to any person until the character and fitness of such applicant shall have been first investigated by the District Board of Law Examiners for the judicial district in which such person resides or intends to practice Except as herein otherwise provided no person shall hereafter be admitted to the practice of law in any court of record in any judicial district within this Commonwealth unless a certificate of the District Board of Law Examiners for such judicial district recommending such admission be produced and filed therein but no such certificate shall be granted to any person until the character and fitness of such applicant shall have been finally investigated and approved by the State Commission on Character and Fitness No certificate recommending admission to the practice of law in this Commonwealth shall be granted unless the applicant is a citizen of the United States is at least twenty-one years of age has actually resided in this State no fewer than six months within the year prior to the date of such certificate has satisfied the State Commission on Character and Fitness that he is of good moral character and honest disposition and is sufficiently conversant with the English language to write it clearly and speak it readily and has complied with the other requirements of this act

Section 10 Every law student who intends to apply for admission to the practice of law shall be registered with a member of the bar in good standing who has been engaged in active practice for at least five years immediately preceding such registration in the county from which the student registers and who signifies his willingness to act as his preceptor provided however that no more than three such law students shall be registered under any one such preceptor at any one time unless under special circumstances shown by petition permission to act as such for others is granted to a preceptor by the Supreme Court of this Commonwealth

Before an applicant shall be allowed to take the examination for registration or to register his prospective preceptor must certify (a) that he has known the applicant personally for at least six months immediately prior to the examination or registration or has made inquiry of responsible persons who have known the applicant personally for such period and (b) in such form as the State Commission on Character and Fitness may prescribe what he knows concerning the fitness and general qualifications (other than scholastic) of the applicant Each preceptor shall require students registered with him particularly those who are pursuing their legal studies in a law school to keep in touch with him from time to time by correspondence or otherwise and shall help them to understand the ethics duties responsibilities and temptations of the legal profession He shall endeavor to develop in each student a high standard of character and upon completion of the student's law course shall certify to the State Commission on Character and Fitness what he knows of his character and fitness to become a creditable member of the bar In the event of the death or incapacity of any student's preceptor or upon notice to the State Commission on Character and Fitness that the preceptor has refused to continue his duties the student shall within sixty day thereafter and with the consent of the State Commission on Character and Fitness select a new preceptor having the qualifications prescribed in this rule and shall forthwith notify the State Commmission on Character and Fitness in writing of his selection enclosing a written acceptance by the new preceptor

Section 11 No person shall be permitted to register as a law student until answers to questionnaires in a form prescribed by the State Commission on Character and Fitness and approved by the Supreme Court of this Commonwealth have been filed with the Secretary of the State Commission on Character and Fitness (a) by the applicant (b) by his proposed preceptor (c) by at least three members of the District Board of Law Examiners in the judicial district where the applicant desires to register and (d) by three reputable citizens who are well acquainted with him (at least two of whom shall not be members of the bar) from each community where the applicant has resided during the three years prior to the time of filing his application Provided however That an applicant whose character in the opinion of the State Commission on Character and Fitness does not meet the standard required for registration as a law student may appeal from that decision to the Supreme Court of this Commonwealth And provided further That where the District Board of Law Examiners certifies to the State Commission on Character and Fitness that an applicant does not possess the necessary attributes of character said State Commission shall hold a hearing to which the applicant one or more representatives of the District Board of Law Examiners and other interested persons shall be invited to attend so that the State Commission on Character and Fitness before passing finally on the question whether it shall approve or disapprove the findings of the District Board of Law Examiners may interview the applicant personally and hold such other investigation as to it may seem proper If the State Commission on Character and Fitness approve the findings of the District Board of Law Examiners and the applicant appeals to the Supreme Court and if such appeal is allowed by that Court it may either decide the matter on the record or hear by committee or otherwise the applicant and the members of the respective District Boards of Law Examiners and the State Commission on Character and Fitness or any of them as the Supreme Court may deem just

The secretary of the State Commission on Character and Fitness on receipt of an application to register as a student at law or to take the examination for registration shall require the applicant to file with him the answers to an "Applicant's Questionnaire" in duplicate as required by this act and shall then immediately transmit to the Secretary of the District Board of Law Examiners in the judicial district where the applicant desires to register (1) one copy of the "Applicant's Questionnaire" with the answers thereto (2) the questionnaires to be answered by members of the District Board of Law Examiners (3) the questionnaires to be answered respectively by the applicant's proposed preceptor and three reputable citizens and (4) one-third of the filing fee as provided by this act

In making return of the completed questionnaires to the State Commission on Character and Fitness the Secretary of the District Board of Law Examiners shall certify on a blank to be furnished by the State Commission on

Character and Fitness either that the recommendations in respect to the applicant's registration as contained in the answers to the member's questionnaires have been approved by action of the District Board of Law Examiners duly taken at a meeting at which a majority of all the members was present or in the event of the disapproval of an applicant by the District Board of Law Examiners shall return with the questionnaires a written statement signed by the answering members of the District Board of Law Examiners setting forth with some particularity the respects in which the applicant allegedly does not possess the attributes of character required for registration as a law student or for admission to the bar

Applications for registration as students at law shall be filed no fewer than sixty days prior to the next succeeding examination for registration Provided however That the State Commision on Character and Fitness may require such applications to be filed by persons desiring to register from judicial districts from which a large number of such applications are annually received at a time no fewer than one hundred days prior to any next succeeding examination for registration

Section 12 Every person of good moral character honest disposition and general fitness who has received a degree from an approved university college or scientific school of collegiate rank and who has complied with the provisions of sections ten and eleven of this act shall be entitled to registration as a student at law upon filing with the application a certified transcript showing the college work on the basis of which such degre was granted or conferred If the applicant has not received a degree from an approved university college or scientific school of collegiate rank no certificate of registration as a student at law shall be issued to him by the State Commission on Character and Fitness until it is satisfied that such applicant is of good moral character honest disposition and general fitness and that he has passed the general educational examinations conducted by the State Board of Bar Examiners or conducted for the State Board of Bar Examiners by such generally recognized national or state examining board or agency as has been or may hereafter be prescribed by law or by the rule of the Supreme Court in the number of units and subjects and with such passing grades as the State Board of Bar Examiners with the approval of that court may require Provided however That each candidate shall be examined orally as the State Commission on Character and Fitness may direct to ascertain his knowledge of the spoken English language And provided further That no such applicant shall be so examined by the State Board of Bar Examiners or unders its supervision except in pursuance of a recommendation for that purpose issued to the State Board of Bar Examiners by the State Commission on Character and Fitness under an impartial and indiscriminate code or number system which shall disclose neither the personal identity of the applicant nor the educational institution if any in which such applicant's education was obtained

Section 13 Except as otherwise provided in this act no person shall be entitled to take an examination for admission to the bar unless (1) he shall have studied law for three or more years after registration which fact shall be evidenced (a) by a certificate of the dean of an approved full-time law school requiring an average of at least ten hours' instruction per week for eight months in each of three years or of an approved part-time law school requiring an average of at least eight hours' instruction per week for eight months in each of four years that the applicant has successfully completed the regular course of study in such school or (b) by a certificate of his preceptor that the applicant has served a bona fide clerkship in the office of the former giving his full time to the duties of that position and to his law studies for a period of no fewer than four years or (c) where the applicant has pursued his studies partly in a law school requiring at least the minimum amount of instruction prescribed in clause (a) above and partly in the office of his preceptor by a certificate from the dean of the law school which he attended setting forth the period or periods during which the applicant was in attendance the subjects he studied and his successful completion of the work required of him and by a certificate from his preceptor that the applicant served a bona fide clerkship in his office devoting substantially all such time to the duties of that position and to his law studies for the remainder of the period required by this act Provided however that no credit shall be given for the service of a clerkship during the period the applicant was attending an approved full-time or an approved part-time law school and unless (2) proof is submitted of advertisement of his intention to take the examination in such form in such publication and for such period as the State Commission on Character and Fitness may prescribe and (3) answers to questionnaires in form prescribed by the State Commission on Character and Fitness and approved by the Supreme Court are filed with the Secretary of the State Commission on Character and Fitness (a) by the applicant for examination (b) by his preceptor (c) by at least two members of the District Board of Law Examiners of the judicial district where he has been registered as a law student and if the State Commission on Charatcer and Fitness dems it wise of the judicial district where he desires to practice or of either such board and (d) by three reputable citizens who are well acquainted with him (at least two of whom shall not be members of the bar) from each community where the applicant has resided during the last three years

All such applications accompanied by the certificates and questionnaires herein required for permission to take any examination for admission to the practice of law shall be filed with the Secretary of the State Commission on Character and Fitness no fewer than sixty days prior to the examinations next succeeding the date of such application Provided however That the State Commission on Character and Fitness may require such applications to be filed by persons registered in judicial districts from which a large number of such applications are annually received at a time no fewer than one hundred days prior to the examination for admission next succeeding as aforesaid

Any person denied the right to take an examination for admission to the bar may appeal to the Supreme Court from the decision of the State Commission on Character and Fitness Provided That where the district board certifies to the State Commission that an applicant does not possess the necessary attributes of character the said State Commission shall hold a hearing to which the applicant one or more representatives of the District Board of Law Examiners and other interested persons shall be invited to attend so that the State Commission on Character and Fitness before passing finally on the question whether it shall approve or disapprove the findings of the District Board of Law Examiners may interview the applicant personally and hold such other investigation as to it may seem proper If the State Commission on Character and Fitness approve the finding of the District Board of Law Examiners and the applicant appeals to the Supreme Court and if such appeal is allowed by that court it may either decide the matter on the record or hear by committee or otherwise the applicant and members of the District Board and the State Commission or any of them as the court may deem just

The Secretary of the State Commission on Character and Fitness upon receipt of an application to take an examination for admission to the bar shall require the applicant to file with him in duplicate answers to an "Applicant's Questionnaire" and shall then transmit to the Secretary of the District Board of Law Examiners for the judicial district in which the applicant is registered or desires to practice a copy of his questionnaire and the answers thereto together with the questionnaires to be answered by his preceptor the members of the District Board of Law Examiners and the citizens as hereinbefore provided

In making return of the completed questionnaires to the State Commission on Character and Fitness the Secretary of the District Board of Law Examiners shall certify on a blank to be furnished by the State Commission on Character and Fitness either that the recommendations in respect to the applicant's admission to the bar as contained in the answers to the members' questionnaires have

been approved by action of the District Board of Law Examiners duly taken at a meeting at which a majority of all the members was present or in the event of the disapproval of an applicant by the District Board of Law Examiners shall return with the questionnaires a written statement signed by the answering members of the District Board of Law Examiners setting forth with some particularity the respects in which the applicant allegedly does not possess the attributes of character required for registration as a law student or for admission to the bar

Every registered law student whose character and fitness shall have been approved as provided in this act and who has complied with all of the other requirements herein set forth shall be entitled to take the final examinations for admission to the practice of law at the bar of the Supreme Court of this Commonwealth and for that purpose to receive of the State Commission on Character and Fitness a certificate directed to the State Board of Bar Examiners authorizing him so to do under an impartial and indiscriminate code or number system which shall not disclose either the personal identity of the candidate or the manner method or educational institution if any by or in which such candidate's education either general or legal was obtained

Section 14 From and after the passage of this act it shall be unlawful for any person or persons whether or not they be members officers employees or agents of the State Commission on Character and Fitness or of any District Board of Law Examiners to disclose or divulge or to attempt to disclose or divulge either directly or indirectly to any member officer employee or agent of the State Board of Bar Examiners any information whatsoever concerning either the personal identity of any candidate for registration as a law student or for admission to the bar or the manner method or educational institution if any by or in which such candidate's education either general or legal was obtained except through the impartial and indiscriminate code or number system provided for in this act

From and after the passage of this act it shall be unlawful for any person or persons whether or not they be members officers employes or agents of the State Board of Bar Examiners to inquire seek or attempt to learn either directly or indirectly of or from any member officer employee or agent of the State Commission on Character or Fitness or of any District Board of Law Examiners or of or from any other person any information whatsoever concerning either the personal identity of any candidate for registration as a law student or for admission to the bar or the manner method or educational institution if any by or in which such candidate's education either general or legal was obtained except through the impartial and indiscriminate code or number system provided for in this act

Any person or persons who shall violate any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment in the county prison for a period not exceeding six months or either or both in the discretion of the court

Section 15 Except as otherwise provided in this act no person shall be admitted to the practice of law in the Supreme Court or in any other court of record in this Commonwealth (a) until all of the prerequisites to taking the examination for admission to the bar as prescribed in section thirteen of this act shall have been complied with (b) until he shall have passed a satisfactory examination in constitutional law including the Constitutions of the United States and of this Commonwealth professional ethics Blackstone's Commentaries common law pleading and practice Pennsylvania practice the common law and the statutes of this Commonwealth relating to real and personal property equity jurisprudence and practice decedents' estates landlord and tenant contracts commercial law partnerships corporations employers liability crimes torts and domestic relations the acts of Congress relating to bankruptcy and such other Federal and Pennsylvania statutes and decisions as shall from time to time be prescribed by the State Board of Bar Examiners with the approval of the Supreme Court and (c) until he shall have served a clerkship in the law office of his preceptor for a period of no fewer than six months of which no fewer than four months must be served as a continuous period beginning after the date when he shall have taken his final examination for admission to the bar and the remainder of the clerkship may be served prior to such examination as a continuous period of not more than two months provided however that at the candidate's option the whole clerkship of six months may be served as a continuous period after such examination which clerkship shall consist of daily service (vacations and ordinary interruptions excepted) in the preceptor's legal business and under his direction on usual business days during regular office hours between seven thirty o'clock ante meridian and six thirty o'clock post meridian for no fewer than six hours each day and no fewer than five days each week during which time the applicant shall not be occupied in any manner incompatible with the fair and bona fide service of his clerkship The clerkship definition herein given shall also apply to the clerkship mentioned in clauses (b) and (c) of section thirteen of this act provided however that the six months' clerkship required by this section shall not be required in addition to any clerkship served for a period of six months or longer under the provisions of section thirteen of this act

The State Board of Bar Examiners may with the approval of the Supreme Court adopt a rule limiting the number of times an applicant may be examined for admission to the practice of law provided however that such number shall not be fewer than five times and provided further that any person of good moral character honest disposition and general fitness who has been registered as a student at law and certified for any such final examination for admission to the bar prior to the passage of this act shall hereafter be permitted to take the final bar examinations to be conducted by the State Board of Bar Examiners under the provisions of this act until the total number of times of each such person shall equal the limit if any thus fixed

Section 16 An attorney of the court of last resort of another state who was not a resident of Pennsylvania at the time of his admission to the bar of that court or during the period of one year hereinafter mentioned may in the discretion of the State Commission on Character and Fitness be permitted to take an examination for admission to the bar of the Supreme Court of this Commonwealth without previous registration if he satisfies said State Commission of his good character in the manner required of law students registered in accordance with the provisions of this act and as to his general education and presents a certificate of the court of last resort of the state from which he comes stating that the applicant is in good standing at the bar of that court and has actively practiced in the courts of that state for a period of at least one year provided however that the State Commission on Character and Fitness shall not issue a certificate recommending such applicant's admission to the bar of the Supreme Court of this Commonwealth until he satisfies said State Commission of his actual residence in this State for the six months' period required by section nine of this act and also meets the other conditions specifically stated in that section as prerequisites to the granting of such certificate

An attorney of the court of last resort of another state who was not a resident of Pennsylvania at the time of his admission to the bar of that court or during the period of eight years hereinafter mentioned may in the discretion of the State Commission on Character and Fitness be recommended for admission to the bar of the Supreme Court of this Commonwealth without examination if he satisfies the said State Commission of his good character in the manner required of law students registered in accordance with the provisions of this act and as to his general education and presents a certificate from the court of last resort of the state from which he comes stating that the applicant is in good standing at the bar of that court and has actively practiced in the courts of that state for a period of no fewer than eight years provided however that the State Commission on Character and Fitness shall

not issue a certificate recommending such applicant's admission to the bar of the Supreme Court of this Commonwealth until he satisfies said State Commission of his actual residence in this state for the six months' period required by section nine of this act and also meets the other conditions specifically stated in that section as prerequisites to the granting of such certificate

If such attorney of another state is refused permission to take the examination for admission to the practice of law in this Commonwealth or if the State Commission on Character and Fitness refuse to recommend such attorney for admission to the bar without examination such applicant may appeal from such ruling to the Supreme Court of this Commonwealth

An applicant for examination for admission to the bar of the Supreme Court of this Commonwealth who is not a member of the bar of another state and was not a resident of Pennsylvania during the whole or part of the period of law study prescribed by this act may in the discretion of the State Commission on Character and Fitness when it is satisfied as to his good moral character that his general education conforms to the standard required by section twelve of this act and that he is pursuing or has pursued the study of law in a state other than Pennsylvania at an approved law school for the period prescribed by this act be registered as a law student as of the date he commenced the study of the law and may be admitted to the final examination upon the completion of his studies provided however that no certificate recommending admission to the practice of law in this Commonwealth shall be issued until such applicant shall have served the clerkship of six months in a Pennsylvania law office required of all law students who are candidates for admission to the bar and until such applicant has fulfilled the other specific requirements of section nine of this act

Section 17 Any and all boards of law examiners or committees on character and fitness whether state or local heretofore established by law or by rule of court whose functions are or have been respectively the same or similar to those herein conferred upon the boards and commission established by this act are hereby abolished and the members thereof and each and every of them are hereby directed within a reasonable time after the passage of this act to deliver up respectively to the state commission and to the state and district boards created by this act all of the public records books papers documents effects and public monies now in the possession of such boards or committees their officers members employees or agents pertaining to the functions duties and responsibilities which have been thus transferred by the provisions of this act

Any person or persons who shall fail neglect or refuse to comply with the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to an imprisonment in the county prison for a period not exceeding six months or either or both in the discretion of the court and if a member of the bar shall also suffer disbarment

The additional remedy by writ of mandamus is also hereby authorized to be issued out of any court of common pleas in this Commonwealth having jurisdiction on the petition of the respective state commission state board or district boards herein established with the right of appeal to any party aggrieved thereby as in similar cases

Section 18 Except as herein otherwise provided nothing in this act contained shall be construed to change limit or restrict the general power of the supreme court over the admission of persons to its bar or to the general practice of law in this Commonwealth or the general power of the judges of the courts of record in this Commonwealth over the admission of persons to their respective bars but any exceptions to or suspensions of the requirements prescribed by this act shall be predicated upon the exigencies of government the general public welfare or the paramount demands of justice in the particular case and any limitation upon the number of admissions to the bar annually made or permitted in any court of record in this Commonwealth other than that actually resulting from the character and educational requisites herein set forth or from qualifications of like import hereafter imposed by law or by rule of court is hereby declared to be contrary to the public policy of this Commonwealth Nothing in this act contained shall be construed to abolish impair suspend or adversely to affect the right of any person heretofore admitted to the practice of law by any court of record in this Commonwealth to continue the exercise of the privileges thereby conferred but the same may be enjoyed asserted or enforced as fully and to the same extent as though this act had not been passed and the State Commission on Character and Fitness shall upon application duly made and proofs submitted to it issue its certificate certifying to such right to practice law or recommending the admission of such person or persons to the general practice of law in this Commonwealth

Section 19 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Whenever herein the singular number is used it shall also include the plural number and wherever herein the masculine gender is usd it shall also include the feminine and neuter genders

Section 20 All acts and parts of acts inconsistent herewith are hereby repealed.

And said bill having been read at length the second time and agreed to,

Ordered, To be transferred for a third reading.

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 822 the bill just read, be recommitted to the Committee on Judiciary General.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 842 (House Bill No. 1410), entitled:

An Act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transferred for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 876, as follows:

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county

treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

ARTICLE I

PRELIMINARY PROVISIONS

Section 101 Short Title This act shall be known and may be cited as the "County Institution District Law"

Section 102 Definitions As used in this act unless the context otherwise indicates

"Commissioners" means the county commissioners of the county

"County" means every county of this Commonwealth except a county of the first class The word county shall not be construed to include territory within any city of the second class

"Institution District" means a county or city institution district managed by the commissioners of the county or the department of public welfare of any city of the first or second class as the case may be

"Dependent" means an indigent person requiring public care because of physical or mental infirmity

"Independent Poor District" means a poor district which is not coterminous with a county but shall not be construed to apply to a poor district of a county of the second class or a city of the second class

"Institution" means an infirmary poor house almshouse hospital or sanitarium managed by the commissioners of the county or the department of public welfare of a city of the first or second class

"Poor Auditor" means an elected or specially appointed auditor of independent poor districts

"Municipality" means any city (except a city of the first and second class) borough incorporated town or township

"Local Authorities" means the county commissioners acting as officers of an institution district or the department of public welfare of any city of the first or second class

"Poor Director" means a director overseer guardian or manager of any poor district or home for the destitute as now constituted

The masculine pronoun shall include the feminine

Section 103 Constitutional Construction The provisions of this act shall be severable and if any provisions hereof shall be held to be unconstitutional the decision so holding shall not be construed to impair any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 104 General Construction The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

ARTICLE II

INSTITUTION DISTRICTS IN CITIES OF THE FIRST AND SECOND CLASS

Section 201 First Class City Institution Districts Abolition of Existing Offices of Poor Directors and Auditor In every city of the first class the offices of poor director and of poor auditor of each poor district created by local law or remaining in existence as a former borough or township poor district are hereby abolished except to the extent necessary to liquidate the affairs of the district Title to the real and personal property of each such district is hereby transferred to and vested in the city and its powers and obligations are hereby vested in and imposed on the city Thereafter the laws as to the care of dependents shall be administered throughout each city of the first class by the department of public welfare of the city and each such city shall constitute an institution district for the purposes of this act Such district shall not exist as an entity separate and apart from the city but shall be administered as a department of the city government The city shall employ each of the present paid poor directors of such districts until his present term of office shall expire in the liquidation of the affairs of the district and in the administration of this act paying him his present annual salary and if he now receives no fixed annual salary then such salary as may be fixed by the tax levying body of the city As soon as the affairs of each such district have been liquidated it shall cease to exist

Section 202 Second Class City Institution Districts In each city of the second class the laws as to the care of dependents shall continue to be administered by the Department of Public Welfare of the city as provided by this act and the laws relating to such cities Each such city shall constitute an institution district Such district shall not exist as an entity separate and apart from the city but shall be administered as a department of the city government

Section 203 Records The Department of Public Welfare of each city of the first and second classes shall keep records of the work of the city as an institution district as prescribed by the State Department of Welfare and shall from time to time make such reports to said department as it shall require

ARTICLE III

COUNTY INSTITUTION DISTRICTS GENERAL PROVISIONS

Section 301 County Institution Districts Each county as herein defined is hereby created a district to be known as ".....County Institution District" which district shall be a body corporate with the capacity to sue and be sued to take hold lease and convey real and personal property and to make contracts The property real and personal and the obligations of each existing county poor district are hereby transferred to vested in and imposed on the institution district of that county Any property so transferred or vested shall if suitable be used for the purposes of administering this act or to be disposed of as provided in this act

Section 302 Officers of County Institution Districts Abolition of Poor Directors The commissioners of each county shall be the executive and administrative officers of the institution district of that county and the county treasurer shall be its treasurer The office of county poor director is hereby abolished and the terms of the poor directors now in office are hereby terminated The commissioners shall however employ each of the present paid county poor directors until his existing term of office shall expire in the administration of this act paying him his present annual salary and if he now receives no fixed annual salary then such salary as may be fixed by the commissioners

Section 303 Salaries and Expenses of Officers For services as an officer of an institution district each commissioner of a seventh class county shall receive an additional annual salary of eight hundred dollars and each commissioner of an eighth class county shall receive an additional annual salary of three hundred dollars In every other county the commissioners and in every county the treasurer shall receive no additional compensation for services to the institution district In every county the commissioners and treasurer shall be allowed their necessary expenses incurred in services for the institution district

Section 304 Records The commissioners of each county shall keep records of the work of the institution district as prescribed by the State Department of Welfare and shall from time to time make such reports to said department as it shall require

Section 305 Powers and Duties as to County Institution District Property As a function of the institution district with its funds the commissioners of each county shall have the power and it shall be their duty

(a) With the approval of the Department of Welfare to acquire by purchase or the right of eminent domain lands and buildings for the care of dependants and for farms taking title in the name of the county institution district

(b)To erect equip maintain repair alter and add to institutions for the care of dependants and to equip maintain cultivate and improve farms using their produce for the support of dependents Any plan for the erection or substantial alteration of an institution must be approved by the Department of Welfare

(c) To sell or lease real and personal property of the institution district

(d) To pay the other necessary expenses of the institution district

Section 306 Appointment of Employes The commissioners of each county shall have the power to appoint remove and fix the compensation of all necessary employes of the institution district and to require of any employe security for faithful performance

Section 307 Taxation For the purposes of the institution district the commissioners of each county shall have the power to levy and collect on real estate trades occupation and professions in the same manner and at the same time as county taxes an annual tax to pay the current expense of the institution district not exceeding ten mills on the dollar of the last adjusted assessed valuation for county purposes The commissioners may also levy such annual special taxes as may be needed to pay interest and sinking fund charges on bonds issued to pay for the purchase of lands or buildings or for the erection and equipment of buildings or for the payment of debts of the institution district Such taxes shall be levied at the same time as the county tax and shall be collected in the same manner and subject to the same discounts and penalties as the county tax

Section 308 Borrowing Powers The commissioners of each county shall have power with the approval of the Department of Internal Affairs in the manner provided by law to issue and negotiate bonds of the institution district to raise funds for the acquisition of real estate for the erection and equipment of buildings and for the refunding of outstanding bonds Such bonds shall be issued and sold in the manner provided by law for county bonds

The commissioners may also borrow moneys for current expenses giving notes of the institution district payable in not over six months bearing not over six per centum interest and negotiated for not less than par Payment of such notes shall be provided for in the next annual tax

Section 309 Budget and Financial Requirements The commissioners of every county institution district shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the district in its several departments for the ensuing fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as provided in this act and shall be apportioned to the several classes of expenditures of the district as the commissioners may determine Final action shall not be taken on any proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The commissioners after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the commissioners shall file a copy of the same in the office of the Department of Internal Affairs

The commissioners shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the commissioners in any amount which will cause the sums appropriated to specific purposes to be exceeded

Section 310 Accounts and Audits The commissioners of each county and the county treasurer shall keep accurate accounts of the moneys of the institution district Such accounts shall be audited by the county controller or county auditors as the case may be The commissioners and the treasurer as officers of the institution district shall be subject to the same fiscal supervision and control as are provided by law with respect to county funds

Section 311 Reports to Department of Internal Affairs Within sixty days after the close of each fiscal year of any county institution district the county controller or the county auditors of each county shall report the financial condition of the district to the Department of Internal Affairs on forms furnished by the department

Section 312 Budget and Financial Report Forms The forms for the annual report to the Department of Internal Affairs as required by this act and the forms for the annual budget shall be prepared by a committee consisting of three persons designated by the president of the Pennsylvania Association of County Commissioners one representative from the Department of Welfare and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the Association of County Commissioners shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In the preparation of uniform forms for financial reports the same shall be so arranged that corresponding information required to be reported to the Department of Welfare may be used for the information required to be furnished to the Department of Internal Affairs

It shall be the duty of the Secretary of Internal Affairs to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee shall for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After they are prepared he shall issue said forms and distribute them annually as needed to the commissioners

Section 313 Viewers to Inspect New Buildings Whenever a new institution shall have been completed in a county the commissioners of any institution district shall certify the fact to the Court of Common Pleas of said county whereupon said court shall appoint three competent and disinterested persons as viewers to view and thoroughly examine said buildings and report to the court whether the said contract or contracts have been faithfully and fully performed and completed and until such report be so made final payment on said contract or contracts shall not be made The said viewers shall be entitled to a sum not in excess of ten dollars per day for each day necessarily engaged in the performance of their duties as the court shall determine to be paid from the funds of the institution district

Section 314 Transfer of Dependents In counties where there was no county poor district or where no institution was maintained by a county poor district the county commissioners shall as soon as they are prepared to accommodate the dependents of their institution district provide for their removal to the institution or institutions provided by the institution district or to such other institution in another institution district with which provision has been made for the care of its dependents

Section 315 Contracts of Five Hundred Dollars or More to be in Writing It shall be the duty of the commissioners to purchase all supplies for the maintenance of the inmates of the institutions under their supervision by written contract where such contract involves an expenditure of five

hundred dollars or more The commissioners shall by advertisement inserted in at least one newspaper of the county in which said institution is located for two weeks invite sealed proposals for the furnishing of such supplies and shall award all such contracts to the lowest responsible bidder and shall take from such bidder a bond with sufficient sureties conditioned for the faithful performance of his contract

Any commissioner violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding six months or both

Section 316 Commissioners Not to be Interested in Contracts It shall be unlawful for any commissioner to be concerned or personally interested directly or indirectly in any contract for furnishing supplies for the maintenance of the dependents of his institution district or for the construction or improvement of property under his control Any violation of the provisions of this act shall constitute a misdemeanor in office and upon conviction thereof the party or parties so offending shall be fined in the sum not exceeding five hundred dollars and shall be adjudged by the court to be removed from office

Section 317 Bond for Potection of Labor and Material Men It shall be the duty of every county institution district to require any person copartnership association or corporation entering into a contract with such institution district for the construction erection installation completion alteration repair of or addition to any public work or improvement of any kind whatsoever where the amount of such contract is in excess of five hundred dollars before commencing work under such contract to execute and deliver to such institution district in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract an additional bond for the use of any and every person copartnership association or corporation interested in a sum not less than fifty per centum and not more than one hundred per centum of the contract price as such institution district may prescribe having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work whether or not the said material or labor enter into and become component parts of the work or improvement contemplated Such additional bond shall be deposited with and held by the institution district for the use of any party interested therein Every such additional bond shall provide that every person copartnership association or corporation who whether as subcontractor or otherwise has furnished material or supplied or performed labor in the prosecution of the work as above provided and who has not been paid therefor may sue in assumpsit on said additional bond in the name of the institution district for his their or its use and prosecute the same to final judgment for such sum or sums as may be justly due him them or it and have execution thereon Provided however That the institution district shall not be liable for the payment of any costs and expenses of any suit

Section 318 Proceedings Where Eminent Domain Exercised In all proceedings for the exercise of eminent domain by a county institution district the proceedings for the ascertainment of damages for property taken injured or destroyed shall be the same in all respects as provided by law for the exercise of the power of eminent domain by counties for county purposes

ARTICLE IV

POWERS AND DUTIES OF INSTITUTION DISTRICTS

Section 401 Powers and Duties as to Care of Dependents and children The local authorities shall have the power and it shall be their duty with funds of the institution district or of the city according to rules regulations and standards established by the State Department of Welfare

(a) To care for any dependent having a settlement in the county or city who is not otherwise cared for

(b) to contract with other local authorities for the care of any such dependent

(c) To contract with any association in Pennsylvania organized to provide a home or employment for deaf and dumb or blind persons having a settlement in the county or city or to care for any dependent having a settlement in the county or city who is deaf and dumb or blind or to help him through employment

(d) To contribute moneys to the county to pay all or part of the county cost of maintaining children in foster homes and in institutions and homes for children

(e) To take any other action authorized or required by law

Section 402 Care of Persons Referred by Department of Public Assistance The local authorities shall have power to care for any dependent or other indigent person in the county or city who is referred to them by the Department of Public Assistance or by a local board under its supervision pending the determination of such person's legal settlement

Section 403 Provision for Burial of Dependents and Other Persons Except as otherwise provided by law the local authorities of any institution district shall provide for the burial of any dependent who dies in the county or city or any person who dies suddenly within the county or city unless his body is claimed by a relative by blood or marriage or by a friend or by his fraternal or veterans' organization or by a charitable organization or by the Anatomical Board of the State of Pennsylvania No such burial shall cost more than seventy-five dollars

Section 404 Treatment of Persons in Danger of Hydrophobia The local authorities of every institution district shall provide with approved medical care and proper attendance (including the so-called Pasteur treatment where prescribed) all indigent persons settled within their district who may be assumed to be in danger of suffering from hydrophobia or rabies by reason of having been bitten by an animal believed to have been suffering from said disease and to order payment of the expenses so incurred out of the funds of the district or city for the care of dependents

Section 405 Powers and Duties of Local Authorities as to Children The local authorities of any institution district shall have the power and it shall be their duty to place in foster homes or in institutions or homes for children all children settled in the district who cannot otherwise have proper care and all children committed to them by the court for that purpose

No child under the age of sixteen years shall unless he is mentally or physically handicapped and no other care is available for him be admitted to or maintained in an institution conducted by the local authorities other than a hospital or sanitarium

Section 406 Contributions for Medical Care The commissioners of each county and the city council of each city of the first and second classes shall have the power to make annual appropriations from the funds of the institution district or of the city for the support of any public institution operated or to any non-profit corporation organized to give medical care to the dependents and children of the county or of the city without discrimination as to membership in any organization or as to race or sect

Section 407 Inspections by Department of Welfare The institutions and books accounts and records of each institution district shall at all times be open to the inspection of the State Department of Welfare and its agents

Section 408 Reports of Persons Applying for Treatment of Disease Each institution district shall make a record of all of the personal and statistical particulars relative to the inmates in their institutions as directed by the State Department of Health for statistical purposes and thereafter such record shall be by them made for all future inmates at the time of their admission In case of dependents admitted or committed for medical treatment of disease the physician in charge shall specify for entry in the record the nature of the disease and where in his opinion it was contracted The personal particulars and information required by this section shall be obtained from the individual dependent himself if it is practicable to do

so and when they cannot be obtained they shall be secured in as complete a manner as possible from the relatives friends or other persons acquainted with the facts

Section 409 Rules and Regulations The local authorities of any institution district shall have power to make such rules and regulations not inconsistent with this act and not inconsistent with the rules and regulations of the State Department of Welfare as may be deemed proper convenient and necessary for the government of its institutions and to properly care for dependents

Article V

Settlement and Removal

Section 501 Settlement (a) A legitimate person is first settled in the institution district of birth unless the father shall then have a known settlement elsewhere in which case the first settlement of such person is in the institution district where the father was then settled

(b) An illegitimate person is first settled in the institution district of birth unless the mother shall then have a known settlement elsewhere in which case the first settlement of such person is in the institution district where the mother was then settled

(c) The settlement of a person in an institution district continues until a new one is acquired in this Commonwealth or elsewhere A settlement is lost only by acquiring a new one

(d) Except as hereinafter otherwise provided every adult and every emancipated minor whether married or single legitimate or illegitimate may require a new settlement in any institution district of this Commonwealth by coming bona fide to establish a permanent abode therein and continuing to reside therein for one whole year if such person or minor is of sufficient mental ability to make a bargain and is not or does not become a public charge during said year

(e) The settlement of a married woman during coverture follows that of her husband and continues after his death in the institution district where he was last settled but she may thereafter acquire a new settlement for herself If the husband has no known settlement when she is settled whether he be living or dead in the district where she was last settled The settlement of a woman after divorce absolute or from bed and board or desertion by the husband or withdrawal by the wife from cohabitation with the husband on account of his cruelty inebriety or lack of support continues in the district where the husband was last settled but she may acquire a new settlement for herself

(f) A minor whether legitimate or illegitimate cannot be emancipated before age sixteen and becomes emancipated absolutely at age twenty-one if then of sufficient mental ability to make a bargain After age sixteen and before age twenty-one a minor of sufficient mental ability to make a bargain may become emancipated by his own acts or the acts of the parent stepfather or stepmother having had the custody When a person is emancipated he or she is capable of establishing a new settlement

(g) A minor whether legitimate who is so mentally deficient as to be unable to make a bargain cannot be emancipated after age sixteen and such a person does not become emancipated at age twenty-one and so long thereafter as said mental condition continues The settlement of such a person shall at all times during mental disability be ascertained as provided in clauses (h) and (i) of this section for the settlement of minors not emancipated

(h) Before emancipation the settlement of a legitimate minor is and remains that of the father unless

(1) The father is dead and the mother acquires a new settlement in which case it follows that of the mother or

(2) The father deserts his family in which case it follows that of the mother or

(3) The mother withdraws from cohabitation with the husband on account of his cruelty inebriety or lack of support in which case it follows that of the parent having the custody or

(4) The parents are divorced either absolutely or from bed and board in which case it follows that of the parent having the exclusive custody but where custody is divided between the parents the settlement remains that of the father or

(5) Both parents are dead and the minor is in the custody of a stepfather or stepmother in which case it follows that of the stepfather or stepmother having the custody

(i) Before emancipation the settlement of an illegitimate minor at all times follows that of the mother and in case of her death before emancipation of such minor continues in the institution district in which she was last settled until such person establishes a new settlement after emancipation

(j) If a person has no known settlement in this Commonwealth and cannot for any reason whatever be removed into the state or country where settled he shall have a quasi-settlement in the institution district where he or she becomes a public charge which district shall if he be a dependent be liable for his or her support otherwise such liability shall be upon the Commonwealth

(k) If a person becomes a public charge in an institution district other than the one in which settled such institution district if he be a dependent otherwise the Commonwealth shall be liable for support until the institution district state or country of settlement is discovered and removal to such institution district state or country takes place Any institution district of settlement shall be liable to the institution district in which the person becomes a dependent for the cost of care advanced and the expenses of removal

Section 502 Removal to District of Settlement In case any person does not have a settlement in the institution district wherein he has become or is likely to become a dependent it shall be the duty of the local authorities to notify the local authorities of the district of his settlement of the facts If the local authorities so notified refuse or neglect to receive him or to make arrangements for his proper care and to pay the amount advanced the local authorities furnishing such care may apply to the court of quarter sessions of their county or to any judge thereof by petition asking for a citation to the local authorities so refusing or neglecting requiring them to appear before such court at a time specified therein and to show cause why an order should not issue for the removal of such dependent into their institution district The said court shall proceed to hear and determine the cause upon its merits and their decree shall be final unless an appeal therefrom be taken within thirty days

The citation accompanied by a copy of the petition shall be served by the sheriff of the county who may for that purpose deputize the sheriff of the county of the cited institution district upon one or more of the local authorities named therein or with the approval of the court service may be had by sending such copy by registered mail The service or mailing shall be at least ten days before the day fixed for such hearing Upon the hearing and argument before said court it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law which exception shall be noted by the court and filed of record as in civil cases An appeal to an appellate court may be taken by either party from the judgment or decree of the court

Section 503 Liability for Costs In case an order of removal is granted by any court of quarter sessions the court in the same order shall require the institution district of settlement to pay the petitioners the cost of the proceedings the expense of removing and the proper charges for the care of the dependent from the date of the notice first above provided for all of which expense cost and charges shall be ascertained and allowed by the court If an order of removal is refused the cost of the proceeding shall be paid by the institution district petitioning therefor

The court of quarter sessions shall have full and complete authority and jurisdiction to enforce by appropriate methods its orders or directions made in such proceeding

Article VI

Dissolution of Independent Poor Districts

Section 601 Officers of Independent Poor Districts

Every independent poor district lying wholly or partly within any county is hereby abolished to the extent necessary to liquidate its affairs as hereinafter provided Each of the present poor directors of every such independent poor district is hereby removed from office Each such poor director who is now paid for his services shall be employed by the commissioners of the county in which he resides until his present term of office shall expire in the administration of this act and in the liquidation of the affairs of the independent poor district receiving his present annual salary The office of poor auditor of every independent poor district is hereby abolished The commissioners are hereby constituted the poor directors of every district lying in only one county for the purpose of paying its obligations The commissioners of both counties are hereby constituted the poor directors of any poor district lying in two counties for the purpose of paying its obligations

Section 602 Independent Poor Districts in One County (a) Where an independent poor district lies in only one county the real and personal property of any such district coterminous with a municipality is hereby transferred to and vested in such municipality Title to the real and personal property of any district lying in two or more municipalities is hereby transferred to and vested in such municipalities in proportion to the last assessed valuations of real estate for county purposes in each of them for which purpose a decree of distribution shall be made by the court of common pleas on petition of any municipality interested or of the county commissioners Any such decree affecting the title to real estate shall be recorded in the office for the recording of deeds of the county Provided however That the transfer and vesting of such property in municipalities shall be subject to the following conditions The commissioners as officers of an institution district are hereby given possession of any real estate so transferred and vested and of all tangible personal property used in connection with it The commissioners shall remain in possession of such real and tangible personal property so long as they decide that the purposes of the institution district require it or until they shall acquire the property by purchase or by right of eminent domain During this period of possession the institution district shall pay a fair rental to be fixed and apportioned by the court of common pleas on petition of the commissioners or of any municipality interested and this possession shall be good against any purchaser from the municipality If the municipality shall receive a bona fide offer to buy any of the property so transferred and vested the court shall on petition by any municipality interested require the commissioners within a reasonable time to be fixed by the court to match the offer or to make a better offer or to institute proceedings to take such property by eminent domain and if they do not do so shall permit the municipality or municipalities to sell in compliance with such offer free of the commissioners' right of possession

(b) If an independent poor district has any outstanding obligations the commissioners as poor directors of the district shall receive from the municipality or municipalities and they shall pay to the commissioners any moneys transferred or any money realized by the municipality or municipalities from any property transferred and vested by this section not however exceeding the amount of such obligations and the commissioners shall apply such sums to meet the obligations of the independent poor district The commissioners as poor directors of the independent poor district shall have the power to levy and collect annually a special tax within the former independent poor district for the payment of such obligations not otherwise paid for

Section 603 Independent Poor Districts in Two Counties (a) If an independent poor district lies in two or more municipalities and in more than one county the property real and personal of the independent poor district is hereby transferred to and vested in such municipalities in proportion to the last assessed valuations of their real estate for county purposes For this purpose the court of common pleas of either county shall have power to make a decree of distribution on petition of any municipality interested or of the commissioners of either county Any such decree affecting the title to real estate shall be recorded in the county in which such real estate lies Provided however That the transfer and vesting of such property in municipalities shall be subject to the following conditions The commissioners of both counties as officers of the institution districts are hereby given possession of any real estate so transferred and vested and of all tangible personal property used in connection with it and shall remain in possession of such real and tangible personal property so long as a majority of the commissioners of each county shall decide that the purposes of the two institution districts require it or until one or both of the institution districts shall acquire the property by purchase or by right of eminent domain If a majority of the commissioners of either county shall decide that they no longer require such property for the purposes of the institution the commissioners of the other county may remain in possession of the property so long as they shall decide that the purposes of their institution district require it During this period of possession the institution district or districts in possession shall pay a fair rental to be fixed and apportioned by the court of common pleas having jurisdiction on petition of the commissioners of either county or of any municipality interested Such possession shall be good against any purchaser from the municipalities If the municipalities shall receive a bona fide offer to buy any of the property so transferred and vested the court of common pleas having jurisdiction shall on petition by any municipality interested require the commissioners of each county within a reasonable time to be fixed by the court to match the offer or to make a better offer or to take the property by right of eminent domain and if they do not do so the court shall permit the municipalities to sell in compliance with such offer free of the commissioners' right of possession The right of eminent domain shall be exercised only by the commissioners of the county in which the property to be taken is situated

(b) If the independent poor district has any outstanding obligations the commissioners of both counties as poor directors of the independent poor district shall receive from the municipalities and they shall pay to the commissioners any money transferred or any moneys realized by the municipalities from any property transferred and vested by this section not however exceeding the amount of such obligations and the commissioners shall apply such sums to meet the obligations of the independent poor district The commissioners of both counties as poor directors of the independent poor district shall have the power to levy and collect annually a special tax within the former independent poor district for the payment of such obligations not otherwise paid for

(c) If a majority of the commissioners of each county cannot agree as to the exercise of any power or the performance of any duty imposed on them by this section the dispute shall be settled by an order of the court of common pleas having jurisdiction on petition of any party in interest

(d) The court of common pleas of the county which shall first take jurisdiction in any proceeding in accordance with this section shall have exclusive jurisdiction with this section

(e) On petition of any party in interest the Supreme Court shall designate a judge to sit specially to decide any matter arising under the provisions of this section

Section 604 Appointment of Auditors In any proceeding in any court of common pleas under the provisions of this article the court shall have power on its own motion to appoint an auditor to take testimony in such proceeding and make report thereof together with his recommendations to the court The compensation of such auditor shall be fixed by the court and paid as the court may direct

Section 605 Final Dissolution of Independent Poor Districts When the property of a district has been distributed as above provided and all of its obligations have been paid it shall cease to exist

ARTICLE VII
EFFECTIVE DATE AND REPEALS

Section 701 Effective Date This act shall become effective on the first day of January one thousand nine hundred and thirty-eight

Section 702 Repealer The following acts and parts of acts are hereby repealed absolutely except where otherwise indicated The repeal of an act or of part of an act repeals all amendments thereto

The act approved the ninth day of March one thousand seven hundred and seventy-one (1 Smith Laws 332) entitled "An act for the relief of the poor"

The act approved the first day of April one thousand eight hundred and thirty-four (P. L. 163) entitled "An act to provide for the incorporations of boroughs" insofar as it relates to overseers of the poor

The act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 539) entitled "An act relating to the support and employment of the poor'

The act approved the seventeenth day of April one thousand eight hundred and sixty-six (P. L. 110) entitled "An act relating to poor houses and lands"

The act approved the fifteenth day of April one thousand eight hundred and sixty-seven (P. L. 84) entitled "An act to provide for the payment of costs in the removal of paupers in certain cases"

The act approved the sixteenth day of March one thousand eight hundred and sixty-eight (P. L. 46) entitled "An act to authorize writs of error to the judgment of the courts of quarter sessions on appeals from the orders of removal of paupers"

The act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 180) entitled "An act defining the duties of directors of the poor where such office exists in several counties of this Commonwealth"

The act approved the eighth day of May one thousand eight hundred and seventy-six (P. L. 149) entitled "An act to provide for the erection of a poor-house and for the support of the poor in the several counties of the Commonwealth"

The act approved the tenth day of April one thousand eight hundred and seventy-nine (P. L. 19) entitled "An act to authorize the directors of the poor and poor houses in the several counties of this Commonwealth to rebuild any poor houses in the respective counties where said poor houses have been or may hereafter be burnt down by fire and to authorize the county commissioners in such counties to levy and collect the taxes necessary to pay the expenses of such re-building"

The act approved the thirteenth day of May one thousand eight hundred and seventy-nine (P. L. 59) entitled "An act providing for the more speedy relief of poor and indigent persons in poor districts where directors of the poor are appointed by the courts of quarter sessions"

The act approved the fourth day of June one thousand eight hundred and seventy-nine (P. L. 78) entitled "An act to create poor districts and to authorize purchase of lands and erection of buildings to furnish relief and give employment to the destitute poor and paupers in this Commonwealth"

The act approved the eighth day of June one thousand eight hundred and eighty-one (P. L. 75) entitled "An act defining what is taxable for poor purposes and providing for the assessing and apportioning the same"

The act approved the eighth day of June one thousand eight hundred and eighty-one (P. L. 85) entitled "An act to better provide for the auditing of the accounts of poor districts composed of one or more townships and boroughs of this Commonwealth"

The act approved the twenty-seventh day of June one thousand eight hundred and eighty-one (P .L. 120) entitled "An act regulating the election of overseers of the poor"

The act approved the twenty-fourth day of June one thousand eight hundred and eighty-five (Pamphlet Laws 163) entitled "An act to provide for filling vacancies in the office of director of the poor"

The act approved the twenty-fifth day of June one thousand eight hundred and eighty-five (Pamphlet Laws 184) entitled "An act for the relief and benefit of injured indigent persons whether resulting in death or not and to make provisions for the expenses incurred in taking charge of the same where such parties are not residents of the county wherein said accidents or injuries or deaths may have occurred"

The act approved the twenty-eighth day of April one thousand eight hundred and eighty-seven (Pamphlet Laws 75) entitled "An act to authorize the courts of common pleas to decree the sale of real estate held for poor purposes in the several counties boroughs townships and poor districts in this Commonwealth and the re-investment of the proceeds thereof"

The act approved the twenty-third day of May one thousand eight hundred and ninety-three (Pamphlet Laws 116) entitled "An act limiting the liability of poor districts"

The act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" insofar as it relates to overseers of the poor

The act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 240) entitled "An act providing that territory annexed to any city of the third class shall constitute a part of the poor district of such city of the third class or of the poor district of which said city is a part"

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 299) entitled "An act authorizing and empowering the directors of the poor in counties having farm lands in connection with county almshouses to lease the lands for oil and gas purposes"

The act approved the twelfth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws 63) entitled "An act in relation to the removal of poor persons from one district to another"

The act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 222) entitled "An act authorizing contracts to be entered into between the overseers of the poor of any borough or township in counties not having county poor houses and the authorities in charge of the poor in adjoining counties having county poor houses for the maintenance of the poor of such boroughs and townships fixing the rate of compensation therefor and the method of collecting the same"

The act approved the fourteenth day of June one thousand nine hundred and one (Pamphlet Laws 561) entitled "An act authorizing the overseers of the poor director or directors of the poor and all other officers or boards having the charge or control of the poor in the several cities of the third class of this Commonwealth to furnish relief without first obtaining an order of relief in all cases where any such officers or authorities are satisfied that such relief is necessary"

The act approved the fifth day of March one thousand nine hundred and three (Pamphlet Laws 9) entitled "An act relating to the settlement of existing claims and demands the disposition of surplus money in the hands of the overseers of the poor and of uncollected taxes levied for the support of the poor in the several poor-districts of any county of this Commonwealth in which a county poorhouse hitherto has been or hereafter may be erected and the paupers chargeable to the several poor districts of such county hitherto have been or hereafter may be taken in charge by the commissioners or directors of the poor of such county under the provisions of any general law of the Commonwealth not in force"

The act approved the sixth day of March one thousand nine hundred and three (Pamphlet Laws 18) entitled "An act providing for the relief of needy sick injured and in case of death burial of indigent persons whose legal place of settlement is unkonwn or not within the State of Pennsylvania at the expense of the county where re-

lief is required and with notice to the county commissioners thereof"

The act approved the twenty-third day of April one thousand nine hundred and three (Pamphlet Laws 290) entitled "An act to regulate the compensation of directors of the poor of poor-districts composed of several boroughs and townships situated in more than one county having a population of over seventy thousand"

The act approved the thirty-first day of March one thousand nine hundred and five (Pamphlet Laws 92) entitled "An act providing for necessary medical attention to needy persons who may be in danger of suffering from hydrophobia"

Sections one two three and five of the act approved the sixth day of April one thousand nine hundred and five (Pamphlet Laws 112) entitled "An act providing for the relief of poor persons regulating their settlements in poor-districts providing a means of enforcing the removal of a poor person to the district of his settlement the payment for relief furnished to him and the payment of costs thereto and authorizing courts of quarter sessions to compel certain relations to contribute to the relief of poor persons"

The act approved the twenty-eighth day of May one thousand nine hundred and seven (Pamphlet Laws 285) entitled "An act providing that whenever any head of a family or a person shall be quarantined by any authority because of any infectious or contagious disease and by reason of such quarantine such person becomes unable to pay the expense of maintenance and treatment of his family or himself during the period of quarantine he shall be considered a 'poor person' or a 'needy and indigent poor' person within the meaning of the poor laws of this Commonwealth"

The act approved the eighth day of June one thousand nine hundred and seven (Pamphlet Laws 487) entitled "An act fixing the salaries of county poor-directors in counties of over one hundred and fifty thousand population"

The act approved the eighth day of June one thousand nine hundred and seven (Pamphlet Laws 487) entitled "An act fixing the salaries and providing for the expenses of the Directors of the Poor in the several counties of this Commonwealthth"

The act approved the twenty-second day of April one thousand nine hundred and nine (Pamphlet Laws 113) entitled "An act concerning incorporated poor-districts auditors other than county and township auditors and to provide for the audit of the accounts of said poor-districts the duties of said auditors and to provide for appeals from such audits"

The act approved the first day of May one thousand nine hundred and nine (Pamphlet Laws 307) entitled "An act to provide for the recovery by bureaus of health boards of health and boards of school directors of cities boroughs and townships of this Commonwealth of money expended to care for and maintain persons sick of contagious or infectious diseases when the person so sick has a settlement in some other city borough or township of this Commonwealth and providing for the payment of all expense by the party falling sick except poor persons and defining a settlement for the purposes of this act"

The act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws 392) entitled "An act relating to the settlements and audits of the accounts of all officers of boroughs townships poor districts and school districts and appeals therefrom to the common pleas and thence to the supreme and superior courts and providing a penalty for violations thereof" insofar as it relates to poor districts

The act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws 649) entitled "An act empowering the proper officers of the several poor districts of the Commonwealth in their discretion to appropriate money to corporations organized for the purpose of assisting relieving and giving medical care and attention to the pauper injured or sick"

The act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws 865) entitled "An act relating to the settlement and audit of the accounts of all officers elected or appointed of boroughs townships poor districts and school districts prescribing the time for such settlement and audits for the matters to be contained in the report of settlement and audit for the filing of said report in the office of the clerk of quarter sessions and for appeals to the Court of Common Pleas and superior and supreme courts" insofar as it relates to poor districts

The act approved the fifteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 986) entitled "An act to fix and regulate the compensation of directors of the poor of poor districts composed of several townships boroughs and cities situate wholly within counties of this Commonwealth not exceeding five hundred thousand population"

The act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1052) entitled "An act fixing the time for the election of directors or overseers of the poor of the several poor districts of the Commonwealth and their terms of office and extending the terms of office of the directors and overseers of the poor now in office where such term will expire upon any day after the first Monday of January in even-numbered years"

The act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1071) entitled "An act providing for the appointment by the Court of Common Pleas of any county of auditors to audit settle and adjust the accounts of the directors treasurer and tax collectors of any poor district composed of more than one municipality or municipal district wholly within but less extensive than said county the population of which poor district shall be not less than one hundred and fifty thousand and not more than three hundred thousand prescribing their powers duties and compensation the form contents filing and publishing of their report and providing for appeals to the Court of Common Pleas of such county and the superior and supreme courts

The act approved the twenty-first day of June one thousand nine hundred and eleven (Pamphlet Laws 1111) entitled "An act enlarging the powers of overseers of the poor in townships of the second class which constitute a separate poor-district by requiring such overseers upon petition to care for and maintain cemeteries not kept for profit and the expense thereof to be paid from the poor-fund of said townships

The act approved the twenty-first day of June one thousand nine hundred and eleven (Pamphlet Laws 1111) entitled "An act authorizing poor districts to acquire lands supply erect and equip hospitals for the care and treatment of indigent persons afflicted with tuberculosis"

The act approved the twenty-second day of April one thousand nine hundred and thirteen (Pamphlet Laws 111) entitled "An act to provide for necessary medical attention to indigent persons who may be assumed to be in danger of suffering from hydrophobia or rabies after having been bitten by any animal believed to be suffering therefrom repealing all prior acts relating hereunto and providing for the payment of expenses for such treatment heretofore incurred in good faith"

The act aproved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 154) entitled "An act to change and fix the terms of directors of the poor and auditors authorized to audit settle and adjust accounts of said directors of the poor in incorporated poor districts where the number of said directors is eight and said directors are required to be elected in blocks of four each year fixing the time when the terms of such directors and auditors shall expire their successors be elected and assume office"

The act aproved the eighth day of May one thousand nine hundred and thirteen (Pamphlet Laws 174) entitled "An act authorizing and empowering the overseers of the poor of any two or more poor districts in any county not having a county poorhouse with approval of the court to unite in the leasing or purchase of real estate and erection of buildings for the care and employment of the poor of such districts authorizing the over-

seers of such districts to issue bonds therefor and providing for the equipment maintenance and regulation of such poorhouse"

The act approved the twenty-third day of May one thousand nine hundred and thirteen (Pamphlet Laws 297) entitled "An act regulating certain contracts for the maintenance of inmates in county poorhouses and hospitals for the insane in counties containing less than one hundred and fifty thousand inhabitants"

The act approved the twenty-third day of May one thousand nine hundred and thirteen (Pamphlet Laws 343) entitled "An act to change and fix the terms of managers of the poor and auditors authorized to audit settle and adjust accounts of said managers of the poor in incorporated poor districts where the number of said managers and auditors respectively is nine and said managers and auditors are required to be elected in blocks of three fixing the times when the terms of present managers and auditors shall expire their successors be elected and assume office"

The act approved the thirty-first day of May one thousand nine hundred and thirteen (Pamphlet Laws 394) entitled "An act relating to the reports of auditors of boroughs townships and poor districts and appeals therefrom giving certain powers to taxpayers in connection therewith and prescribing the practice to be pursued in all appeals from such auditor's reports" insofar as it relates to poor districts

The act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws 909) entitled "An act to change and fix the terms of guardians of the poor and auditors authorized to audit settle and adjust accounts of said guardians of the poor in incorporated poor districts where the number of said guardians and auditors respectively is four and two and said guardians and auditors are required to be elected in blocks of three fixing the times when the terms of present guardians and auditors shall expire their successors be elected and assume office

The act approved the twenty-first day of April one thousand nine hundred and fifteen (Pamphlet Laws 162) entitled "An act relating to appeals from the reports of auditors of boroughs townships and poor districts" in so far as it relates to poor districts

The act approved the fifth day of April one thousand nine hundred and seventeen (Pamphlet Laws 51) entitled "An act fixing the salaries of county poor directors in counties of over one million population and less than one million three hundred thousand population"

The act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 223) entitled "An act authorizing overseers and directors of the poor to enter into contracts with certain associations for the care and maintenance of indigent deaf and dumb persons and conferring certain powers on the Board of Public Charities its officers and agents"

The act approved the twenty-eighth day of June one thousand nine hundred seventeen (Pamphlet Laws 651) entitled "An act conferring upon poor districts the power to take land for the erection of buildings or for farming purposes and providing a method for the ascertainment of damages in connection therewith"

The act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws 734) entitled "An act authorizing the directors and overseers of the poor or other officers having charge of the poor in the poor districts of this Commonwealth together with their solicitor steward or superintendent and such other executive officer as may be designated by said directors and overseers or other officers to attend the annual meeting of the association of directors of the poor and charities and corrections of Pennsylvania as part of their official duties and providing for the payment of the expenses thereof"

The act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1083) entitled "An act to empower certain county poor districts to purchase poor-farms providing the manner in which such purchases shall be made and providing for the mortgaging of such poor-farms to secure any part of the purchase price thereof"

The act approved the twenty-seventh day of May one thousand nine hundred and nineteen (Pamphlet Laws 303) entitled "An act authorizing the transfer by township poor districts to the township school districts of certain poor funds"

The act approved the thirtieth day of March one thousand nine hundred and twenty-one (Pamphlet Laws 62) entitled "An act declaring the directors of the poor in poor districts coextensive with a county to be county officers"

The act approved the fifth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 381) entitled "An act providing for the burial of the bodies of indigent persons by certain poor districts"

The act approved the fifth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 386) entitled "An act relating to poor districts coextensive with counties of the fourth class authorizing the directors of such district to sell real estate no longer suitable for the suport maintenance and employment of the poor of their respective districts and to purchase such real estate as may be necessary for such support maintenance and employment and to construct thereon such buildings as may be necessary and to equip and furnish the same validating the title to real estate heretofore purchased by such directors and providing for the borrowing of money and the issue of bonds by the county commissioners to accomplish the purposes of this act"

The act approved the twelfth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 538) entitled "An act providing for county poor districts in counties of the sixth class providing for their management direction and control by the county commissioners defining their powers and duties imposing certain duties upon the county treasurer and county controller or county auditors abolishing the present poor district and transferring their property"

The act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1081) entitled "An act providing for county poor districts in counties of the seventh class providing for their management direction and control by the county commissioners defining their powers and duties imposing certain duties upon the county treasurer and county controller or county auditors abolishing the present poor districts and transferring their property"

The act approved the seventn day of June one thousand nine hundred and twenty-three (Pamphlet Laws 678) entitled "An act to provide for the erection of new or additional buildings for the maintenance care and treatment of the poor indigent insane and indigent persons afflicted with tuberculosis in poor districts in counties of the second class which now maintain or which shall hereafter maintain a poorhouse or a hospital or sanitarium for such purposes authorizing the county commissioners to borrow moneys issue and negotiate the sale of bonds and to levy taxes for the payment of the same"

The act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 885) entitled "An act authorizing poor directors of county poor districts to provide for the payment for the preparation of plans and specifications heretofore made for public buildings for such poor districts where no legal or valid contract was entered into as required by law"

The act approved the fourte nth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 762) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto"

The act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1212) entitled "An act authorizing directors of the poor of counties of the second class to expend moneys of the district for the care of persons suffering from communicable disease and for their burial in case of death therefrom"

The act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1667) entitled "An act fixing the compensation of directors of the poor in poor districts in counties of the first class"

The act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 181) entitled "An act creating borough and township poor districts in the counties of Union Snyder and Juniata to be administered by overseers of the poor and abolishing the county poor district"

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 880) entitled "An act making it the duty of counties of the first class cities incorporated towns and poor districts herein defined as municipalities to require persons co-partnerships associations and corporations entering into contracts with such municipalities for the construction erection installation completion alteration repair of or addition to any public work or improvement to give (in addition to any other bond which may now or hereafter be required by law) an additional bond conditioned for the payment of material and labor furnished supplied or performed in the prosecution of such work or improvement and providing for suits and recovery on such bonds and repealing existing laws" so far as it relates to poor districts

The act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 815) entitled "An act to require county commissioners poor boards public officers trustees and others having jurisdiction of funds available for poor or unemployment relief or to tax or borrow for such purposes to furnish information and exhibit their records to the State Emergency Relief Board and providing penalties" so far as it relates to poor districts

The act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 965) entitled "An act fixing the salaries of directors of the poor in counties of the second class"

The act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1517) entitled "An act providing for the appointment by the court of quarter sessions of the directors of the poor of the Erie County Poor District and abolishing the elected directors providing for the appointment and compensation of a director of welfare investigators assistants experts and employes and for the employment and compensation of elected directors whose terms have not expired and repealing existing laws"

The act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 725) entitled "An act relating to the consolidation of poor districts having territories not coextensive with counties"

All other acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 876, on second reading, entitled:

An Act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws.

be recommitted to the Committee on Welfare for the purpose of amendment

Mr. CAVALCANTE. Mr. President, I sceond the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 877, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departmnets boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executives and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 201 202 206 207 209 214 709 and 2303 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Depart-

ments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth, Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies [and] Department of Revenue and Department of Public Assistance and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissioners and The Public Service Commission of the Commonwealth of Pennsylvania

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania State Police

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State
State Employes' Retirement Board
In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
In the Department of Internal Affairs
Board of Property
State Aeronautics Commission
In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Undertakers
State Board of Veterinary Medical Examiners
State Board of the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
State Athletic Commission
In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Products Show Commission
In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
Anatomical Board
In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
In the Department of Welfare
State Council for the Blind
Pennsylvania Alcohol Permit Board
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blosburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital

Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Cumberland Valley State Institution for Mental Defectives
Board of Trustees of Selinsgrove State Colony for Epileptics
In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Public Assistance
State Board of Public Assistance

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 206 Department Heads Each administrative department shall have as its head an officer who shall either personally by deputy or by the duly authorized agent or employe of the department and subject at all times to the provisions of this act exercise the powers and perform the duties by law vested in and imposed upon the department

(a) The following officers shall be the heads of the administrative departments following their respective titles

Secretary of the Commonwealth of the Department of State
Attorney General of the Department of Justice
Auditor General of the Department of the Auditor General
State Treasurer of the Treasury Department
Secretary of Internal Affairs of the Department of Internal Affairs
Superintendent of Public Instruction of the Department of Public Instruction
Adjutant General of the Department of Military Affairs
Insurance Commissioner of the Insurance Department
Secretary of Banking of the Department of Banking
Secretary of Agriculture of the Department of Agriculture
Secretary of Forests and Waters of the Department of Forests and Waters
Secretary of Mines of the Department of Mines
Secretary of Highways of the Department of Highways
Secretary of Health of the Department of Health
Secretary of Labor and Industry of the Department of Labor and Industry
Secretary of Welfare of the Department of Welfare
Secretary of Property and Supplies of the Department of Property and Supplies
Secretary of Revenue of the Department of Revenue
Secretary of Public Assistance of the Department of Public Assistance

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agricultur the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue the Secretary of Public Assistance and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 209 Compensation of the Governor Lieutenant Governor the Heads of Departments Annual salaries shall be payable in equal semi-monthly installments as follows

To the Governor eighteen thousand dollars
To the Lieutenant Governor eight thousand dollars
To the Secretary of the Commonwealth ten thousand dollars
To the Attorney General twelve thou and dollars
To the Auditor General twelve thousand dollars
To the State Treasurer twelve thousand dollars
To the Secretary of Internal Affairs ten thousand dollars
To the Superintendent of Public Instruction twelve thousand dollars
To the Adjutant General ten thousand dollars
To the Insurance Commissioner ten thousand dollars
To the Secretary of Banking ten thousand dollars
To the Secretary of Agriculture ten thousand dollars
To the Secretary of Forests and Waters ten thousand dollars
To the Secretary of Mines ten thousand dollars
To the Secretary of Highways twelve thousand dollars
To the Secretary of Health ten thousand dollars
To the Secretary of Labor and Industry ten thousand dollars
To the Secretary of Welfare ten thousand dollars
To the Secretary of Property and Supplies ten thousand dollars
To the Secretary of Revenue twelve thousand dollars
To the Secretary of Public Assistance ten thousand dollars

Neither the Governor Lieutenant Governor nor the head of any administrative department shall receive any additional compensation for any services rendered to the Commonwealth in any capacity

Section 214 Employment and Compensation of Directors Bureau Chief and other Employes [The] Except as otherwise provided in this act the heads of the several administrative departments except the Auditor General and State Treasurer and the independent administrative boards and commissions shall appoint and fix the compensation of such directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants and employes as may be required for the proper conduct of the work of their respective departments boards or commissions Except as otherwise provided in this act the heads of the respective administrative departments shall appoint and fix the compensation of such clerks stenographers and other assistants as may be required for the proper conduct of the work of any department administrative bodies boards commissions or officers and of any advisory boards or commissions established in their respective departments

[The] Except as otherwise provided in this act the number and compensation of all employes appointed under this section shall be subject to approval by the Governor and after the Executive Board shall have fixed the standard compensation for any kind grade or class of service or employment the compensation of all persons in that kind grade or class appointed hereunder shall be fixed in accordance with such standard

Section 709 Executive Board [The] Subject to the

provisions of this act the Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments board and commissions except the Department of the Auditor General and the Treasury Department In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments other than the Department of the Auditor General and the Treasury Department and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendation of department heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own indemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capital City by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Departmnet of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other department except the Department of the Auditor General and the Treasury Department or for any board or commission and to make rules and regulations for the use of State automobiles by State officers and employes except the Department of the Auditor General and the Treasury Department

Section 2303 Supervisory Powers The Department of Welfare shall have supervision over

(a) All State institutions

(b) All supervised institutions as defined in this article

(c) All children's institutions within this Commonwealth

[(e) The administration of any system provided by the Commonwealth for assistance to mothers]

[(f)] (e) Any labor or system of labor carried on in the penal correctional or reformatory institutions of the State

[(g)] (f) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves fire flood or other casualty and constituting a menace to public safety and welfare

[(h)] (g) All boarding homes for children which have been licensed by the State

Section 2 That at the end of article four of the said act the following new section is hereby added

Section 450 State Board of Public Assistance The State Board of Public Assistance shall consist of nine men and women No member of the board shall hold office in any political party The Secretary of Public Assistance shall be a member of the board ex officio but shall have no vote in its proceedings

When this act becomes effective the Governor in the manner provided in this act shall appoint two members of the board to serve for each of the four original terms hereby created which shall run until the third Tuesday of January of each year from one thousand nine hundred thirty-nine to one thousand nine hundred forty-two both inclusive and one member to serve for the original term hereby created which shall run until the third Tuesday of January one thousand nine hundred forty-three As each original or subsequent term expires the Governor in like manner shall fill each vacancy by an appointment for a term of six years After the expiration of his term a member of the board shall continue to serve until his successor shall be appointed and qualified No member of the board shall be eligible to serve consecutively for more than two years

A vacancy occurring during a term shall be filled by the Governor for the unexpired term

The Secretary of Public Assistance and four other members of the board shall constitute a quorum

The members of the board shall elect a chairman from the appointed members and they shall elect a secretary who need not be a member of the board

The board shall hold at least six regular meetings each year

Section 3 That after article twenty-five of the said act the following new article is hereby added

Article XXV-A

Powers and Duties of the Department of Public Assistance and of the State Board of Public Assistance

Section 2501-A Definitions As used in this article

(a) "Assistance" means assistance as defined by the Public Assistance Law

(b) "Local Board" means a board established by law and authorized to provide assistance in one or more counties only including until abolished in accordance with law any board of trustees of the Mothers' Assistance Fund or Boards of Trustees of Pension Fund for the Blind

Section 2502-A Powers and Duties of the Department of Public Assistance The Department of Public Assistance shall have power and its duty shall be

(a) To administer and carry out the provisions of the Public Assistance Law and in so doing to supervise local boards and to allocate to them on the basis of need funds with which to provide assistance and funds for administrative expenses

(b) To establish with the approval of the State Board of Public Assistance rules regulations and standards consistent with law as to eligibility for assistance and as to its nature and extent as provided by law

(c) To take any other action authorized or required by this or any other law

Section 2503-A State Board of Public Assistance The State Board of Public Assistance shall have the power and its duty shall be

(a) To approve or disapprove rules regulations and standards consistent with law proposed by the Department of Public Assistance as to eligibility for assistance and as to its nature and extent

(b) To study the work of the Department of Public Assistance and from time to time to recommend to the Governor changes in administrative policy or in the law

(c) To take any other action authorized or required by law

Section 2504-A Employment in the Department of Public Assistance (a) Definitions As used in this section and except as otherwise indicated

"Board" means the State Board of Public Assistance

"Demotion" means a transfer to a lower salaried position in a class of employment having a lower maximum salary

"Employe" means any person employed by the Department of Public Assistance by the State Board of Public Assistance or by a local board except the Secretary of Public Assistance and one secretary to the Secretary of Public Assistance

"Employer" means the officer or agency appointing an employe to his position

"Employment" means the employment of any employe

"Remove" means to remove permanently from employment any employe who (1) is not on probation (2) is not a provisional appointee and (3) is not an employe permitted to take non-competitive examinations

"Reviewing Board" means the State Board of Public Assistance in a case of demotion or removal of an employe of the Department of Public Assistance or of the State Board of Public Assistance and in a case of demotion or removal of an employe of a local board means a board appointed by the local board to review such cases

The masculine pronoun shall include the feminine

(b) Appointment and Duties of Employment Director From those found eligible by competitive examinations conducted by the board the Secretary of Public Assistance shall appoint an employment director who shall hold no other public position shall receive a salary fixed by the Board and approved by the Governor and shall

1 With the approval of the Secretary of Public Assistance and the board classify employment positions according to the duties involved and the minimum qualifications required

2 With the approval of the Secretary of Public Assistance the board and the Executive Board fix maximum and minimum salaries for each class of employment

3 Prepare and conduct examinations for employment which shall fairly reveal the degree of fitness of each applicant for the desired class of employment In written examinations the identity of each applicant shall be unknown to the examiners

4 Grade each person taking an examination by a method of rating published as part of the announcement of the test

5 With the approval of the Secretary of Public Assistance and the board establish a uniform system of service ratings for each class or group of classes of employes

(c) Minimum Qualifications Applicants for any class of employment shall be required to meet minimum qualifications established by the Department of Public Assistance with the approval of the board

(d) Appointment Employes except special examiners shall be appointed from a list of former employes who have left the service after the effective date of this act without fault on their part and who meet the minimum qualifications set up for the appropriate class of positions or if there be no such list then from a list of eligibles who have passed the required examinations Such lists shall be certified to each employer by the employment director Such lists shall be used and the names on them shall be placed in an order fixed by the rules of the board Provided however That no name shall remain on such list longer than two years In an emergency if there is no such list an employer may with the approval of the Department of Public Assistance nominate a person for non-competitive examination and may appoint him provisionally if he passes the required examinations After January first one thousand nine hundred thirty-eight no such provisional appointment or successive appointments (in the aggregate) shall be good for more than ninety days

(e) Probation Every employe shall be on probation for a period of not less than three nor more than six months as fixed by the rules and regulations of the board During this period the employer may terminate the employment for just cause

(f) Transfers A transfer to a new class of employment having the same or a higher maximum salary shall be made only after examinations as in the case of an original appointment

(g) Suspensions An employer may for just cause suspend an employe without pay for periods totalling not more than thirty days in a calendar year Written reasons for every suspension shall be promptly sent to the board and shall become part of its public records

(h) Demotion and Removal An employer may demote or remove an employe for just cause only after giving him written reasons for such action and an opportunity to file a written answer Both of such writings shall be promptly reported to the board and shall be part of its public records Such employes may appeal to the reviewing board in accordance with the rules of the State Board of Public Assistance and shall then be entitled to a public hearing The decision of the reviewing board shall be final

(i) Political Activity An employe shall be removed if he shall during his employment

(1) Be a member of a political committee or an officer of a political organization

(2) Solicit receive or pay a contribution for political purposes

(3) Injure or benefit an employe or one who applies for or receives assistance or threaten or promise to do so because of making or withholding a contribution for political purposes because of any past or future vote or because of taking or refraining from taking any political action

(j) No employer shall demand from any employe before or at the time of appointment any resignation or agreement to resign

(k) No employe shall receive any compensation until the employment director shall certify that it is for lawful employment

(l) Improper Discrimination Race or religion or political or labor union affiliation shall not be a qualification of an applicant nor a just cause for reduction in compensation suspension lay-off demotion or removal

(m) Rules The board shall make rules and regulations not inconsistent herewith to carry this section into effect

Section 4 The employes of the Bureau of Assistance of the Department of Welfare and of the State Emergency Relief Board and of local boards as defined in Section 2501-A of the act amended by this act shall upon the effective date of this act become employes of the Department of Public Assistance or of such local boards as the case may be but such employment shall not be continued beyond January first one thousand nine hundred thirty-eight unless such employes shall have passed non-competitive examinations given under the rules and r gulations of the State Board of Public Assistance by the employment director as provided for in Section 2504-A of the act amended by this act

Section 5 Constitutional Construction The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 6 The provisions of this act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 877, the bill just read, be re-committed to the Committee on Welfare.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 883, entitled:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mother's Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

The first section of the bill was read as follows and agreed to.

Section 1 Short Title This act shall be known and may be cited as the "Public Assistance Law"

The second section of the bill was read as follows

Section 2 Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money goods shelter services or burial provided from or with State or Federal funds for indigent persons who reside and leave a legal settlement in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons

"Local Board" means any county board of assistance established under the provisions of this act and shall include any county relief board or board of trustees of the Mothers' Assistance Fund or board of trustees of Pension Fund for the Blind until abolished in accordance with law

The masculine pronoun includes the feminine

On the question,

Will the Senate agree to the section?

Mr. LANIUS. Mr. President, I move to amend Sec. 2, page 2, line 19 by inserting after the word: "persons" the following: S "The word assistance shall be construed to include pensions for these blind persons who are entitled to pensions as provided in this act."

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows and agreed to.

Section 3 Administration of Act This act shall be administered by the Department of Public Assistance and the local boards in the several counties of this Commonwealth

The fourth section of the bill was read as follows:

Section 4 General Powers and Duties of Department of Public Assistance The Department of Public Assistance shall have the power and its duty shall be

(a) To allocate to the local boards on the basis of need funds with which to provide assistance and funds for administrative expenses

(b) To establish with the approval of the State Board of Public Assistance rules regulations and standards consistent with law as to eligibility for assistance and as to its nature and extent

(c) To make payments for assistance and for administrative costs under such system of requisitioning and accounting as the Governor the Auditor General and the State Treasurer shall determine provided such system shall not be in conflict with other provisions of this act

(d) To supervise the local boards and to establish for such boards rules regulations and standards consistent with law

(e) To cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the department under this act and particularly in projects for child welfare for the relief of persons in areas of special need and for the care of transient and homeless persons and to make such reports in such form and containing such information as the Social Security Board of the United States Government or any other agency of the United States may from time to time require and to comply with such provisions as such board or agency may from time to time find necessary to insure the correctness and verification of such reports

(f) To receive and to supervise the disbursement of funds provided by the Federal government or from any other source for use in this Commonwealth for assistance

(g) To gather and study current information constantly and to report at least annually to the Governor as to the nature and need of assistance as to the amount allocated to each local board and as to the work of each local board and to cause such reports to be published for the information of the public

(h) To report at least annually to the Governor as to the cost of living in the various counties as related to the standards of assistance and the amounts allocated for assistance and to cause such reports to be published for the information of the public

(i) To collect and report to the Governor and to cause to be published for the information of the public information as to the work of the department

(j) To direct and supervise the liquidation of the affairs of the Boards of Trustees of the Mother's Assistance Fund Boards of Trustees of Pension Fund for the Blind and of the State Emergency Relief Board

Mr. LANIUS. Mr. President, I move to amend Sec. 4, page 3, line 5, by inserting after the word: "need" the following: S "and as may be required for blind pensions"

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth, sixth, and seventh sections inclusive, of the bill were read as follows and agreed to:

Section 5 Establishment of County Boards of Assistance (a) For each county of the Commonwealth there is hereby established a county board of assistance to be known as the County Board of Assistance which shall be composed of men and women to be appointed as hereinafter provided The members of the board shall serve without compensation but shall be reimbursed for necessary expenses No member of a board

shall hold office in any political party Not all of the members of a board shall belong to the same political party

(b) Each board shall be composed of eleven members in counties of the first and second classes and of seven members in other counties In each county having a board of seven the Governor shall with the advice and consent of two-thirds of all the members of the Senate appoint two members to serve for the term ending December thirty-first one thousand nine hundred thirty-eight two members to serve for the term ending December thirty-first one thousand nine hundred thirty-nine and three members to serve for the term ending December thirty-first one thousand nine hundred forty In each county having a board of eleven the Governor shall in the same manner appoint three members to serve for the term ending December thirty-first one thousand nine hundred thirty-eight four members to serve for the term ending December thirty-first one thousand nine hundred thirty-nine and four members to serve for the term ending December thirty-first one thousand nine hundred forty After the original appointments any vacancy caused by the expiration of a term shall be filled by an appointment in the manner above provided for a term of three years and any vacancy otherwise caused shall be filled for the duration of the unexpired term by appointment in the same manner No member of a board shall be eligible to serve for more than two consecutive terms

(c) Each board shall elect its chairman The executive director (hereinafter provided for) of the board shall be its secretary

Section 6 Powers and Duties of County Board of Assistance Each county board of assistance shall have the power and its duty shall be

(a) In accordance with the laws regulating employment in the Department of Public Assistance to appoint transfer lay off suspend and remove an executive director and other employes who shall on behalf of the board and under the supervision of the Executive Director provide assistance in the territory under its jurisdiction in accordance with rules regulations and standards established by the Department of Public Assistance in accordance with law

(b) To conform to the rules regulations and standards established by the Department of Public Assistance as to accounting and as to forms records and reports

(c) To submit budgets to the Department of Public Assistance as the basis of the allocation of funds for assistance and for administrative costs

(d) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving assistance Any person applying for or receiving assistance may appeal to the Department of Public Assistance from any decision of the board refusing or discontinuing his assistance in whole or in part In every such appeal an opportunity for a fair hearing shall be granted and the decision of the department on such appeal shall be final All such appeals shall be in accordance with rules and regulations established by the department with the approval of the State Board of Public Assistance

(e) To supervise the administration of any other public function related to assistance or to the work of the Department of Public Assistance or of the County Board of Assistance which shall be committed to the board by a political subdivision of the Commonwealth with the approval of the State Board of Public Assistance

(f) To receive and spend contributions from any source for purposes related to assistance or to the work of the Department of Public Assistance

(g) To make recommendations to the Department of Public Assistance as to rules regulations and standards as to eligibility for assistance and as to its nature and extent

(h) To study report and interpret its policies problems and work to the Department of Public Assistance and to the public

Section 7 County Boards of Review Each county board of assistance shall from time to time appoint a board of review to hear and determine appeals by employes of the board from orders of demotion and of removal Such appointments and appeals shall be in accordance with rules and regulations established by the Department of Public Assistance with the approval of the State Board of Public Assistance

The eighth section of the bill was read as follows:

Section 8 Eligibility for Assistance Persons of the following classes shall be eligible to receive assistance in accordance with rules regulations and standards established by the Department of Public Assistance with the approval of the State Board of Assistance as to eligibility for assistance and as to its nature and extent

(a) Dependent Children A dependent child is defined as any child under the age of sixteen who (1) resides with his mother and has been deprived of the support of his father by his father's death continued absence from home or physical or mental incapacity and (2) has resided in this Commonwealth for one year immediately preceding the date of application for assistance or has been born in this Commonwealth within one year immediately preceding the date of such application of a mother who has resided in this Commonwealth for one year immediately preceding the birth of the child

(b) Aged Persons An aged person is defined as one who (1) is seventy years of age or more or who after December thirty-first one thousand nine hundred thirty-nine is sixty-five years of age or more (2) resides in this Commonwealth and has so resided therein for five years during the nine years immediately preceding the date of making application for assistance and has so resided continuously for one year immediately preceding the date of making such application (3) is not at the time of receiving assistance an inmate of a public institution and (4) has conveyed or transferred his real or personal property of the value of five hundred dollars ($500.00) or upwards without fair consideration within two years preceding the date of making such application

Absence in the service of the Commonwealth or of the United States shall not be deemed to interrupt residence of an aged person in the Commonwealth if a domicile has not been acquired outside the Commonwealth

(c) Blind Persons A blind person is defined as one who (1) is twenty-one years of age or more (2) has no vision or with correcting glasses has vision so defective that he cannot perform the ordinary activities for which eyesight is essential (3) has resided in the Commonwealth for at least five years during the nine years preceding his application for assistance and has resided therein continuously for one year immediately preceding the application (4) is not at the date of receiving assistance an inmate of any public institution and (5) is not receiving assistance as an aged person during the period for which he is receiving assistance as a blind person

The rules regulations nad standards as to eligibility for assistance and as to the nature and extent of assistance to blind persons shall be established with regard to their special needs and those of their families and dependents and of those responsible for them

(d) Other persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living

(e) Any person within any group defined in this section who has a quasi-settlement in this Commonweath until he is removed to his place of legal settlement

On the question,

Will the Senate agree to the section?

Mr. LANIUS. Mr. President, I move to amend Sec. 8, page 8, line 3, by striking out the word: S "Persons" and inserting in lieu thereof: "Except as hereinafter specifically otherwise provided in the case of pensions for the blind all persons"; amend Sec. 8, page 9, lines 11, 12 and 13, by striking out the following: S all of lines 11 and 12, and "which eyesight is essential," in line 13, and inserting in lieu thereof: "three-sixtieths or ten-two hundredths or less, normal vision"; amend Sec. 8, page 9, line 14, by inserting after the word: "years," where it appears

the second time in said line, the following: S "immediately"; amend Sec. 8, page 9, line 15, by striking out the word S "assistance" and inserting in lieu thereof: "a pension"; amend Sec. 8, page 9, lines 17 to 20, by striking out the following: S "receiving assist-" in line 17, and all of lines 18 to 20, both inclusive, and inserting in lieu thereof: "making application an inmate of any prison, jail, insane asylum or any other public reform or correctional institution. The pension of a blind person shall be thirty dollars ($30) per month: Provided, That any blind person with an actual income of twelve hundred dollars ($1,200), or upwards, and any blind person having real property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to such pension: And provided further, That where a blind person has an income of less than twelve hundred dollars ($1,200) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dollars ($1,200) a year. No person shall be denied a pension because of the fact that he or she is not a citizen of the United States. In the event that any act of Congress providing Federal aid towards pensions for the blind requires the recipients to be citizens, no such Federal aid moneys shall be expended in the payment of pensions to non-citizens but such persons shall receive pensions out of moneys appropriated by this Commonwealth."

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth to the seventeenth sections, inclusive, of the bill was read as follows and agreed to.

Section 9 Trustees for Certain Beneficiaries The Department of Public Assistance may appoint a trustee to take charge of the expenditure of assistance granted any person under this act when in its opinion such trustee is necessary In any such case payment shall be made direct to the trustee A trustee shall serve without compensation and shall be subject to such rules regulations and accounting as the department shall prescribe

Section 10 Assistance Due deceased Beneficiaries Upon the death of any person entitled to assistance under this act the Department of Public Assistance may authorize the payment of any assistance due to such person to the spouse child father mother sister or brother (preference being given in the order named) of such deceased person as the department directs without requiring letters testamentary or of administration to be issued upon the estate of such person

Section 11 Federal Contributions Restitution (a) All contributions received by the Department of Public Assistance from the United States government for assistance shall be paid into the State Treasury through the Department of Revenue and credited to the biennial appropriation made to the Department of Public Assistance for the purpose of carrying out the purposes of this act

(b) One-half of the net amount collected or recovered by way of restitution from any aged person or from his estate by or for the Department of Public Assistance shall be promptly paid to the United States and the remainder thereof shall be paid into the State Treasury and shall be credited to the current appropriation to the department for public assistance as provided by law

Section 12 Penalties Any person who by means of a wilfully false statement or misrepresentation or by impersonation or other fraudulent means secures or attempts to secure or aids or abets any person in securing assistance under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) or to undergo imprisonment not exceeding one year or both at the discretion of the court and also shall be sentenced to make restitution of any moneys he has received by reason of any such false statement misrepresentation or fraudulent means

Section 13 Abolition of State Emergency Relief Board The State Emergency Relief Board is hereby abolished except to the extent necessary to liquidate its affairs and its property other than cash and all its powers and duties are hereby transferred to the Department of Public Assistance The Department of Public Assistance shall divide such property equitably among the county boards of assistance and the department The affairs of the State Emergency Relief Board shall be liquidated as soon as possible under the direction of the Department of Public Assistance and any balance of cash remaining from State appropriations after paying all obligations shall be paid into the State Treasury to the credit of the General Fund The Department of Public Assistance shall exercise the powers and discharge the duties of the State Emergency Relief Board in each county through the present County Relief Board or otherwise until the County Board of Assistance is set up in the county and then through such County Board of Assistance

Section 14 Abolition of Certain Local Boards Each Board of Trustees of the Mothers' Assistance Fund and Board of Trustees of Pension Fund for the Blind is hereby abolished except to the extent necessary to liquidate its affairs and its property other than cash and all its powers and duties with respect to a county are hereby transferred to the county board of assistance having jurisdiction in that county After the effective date of this act the affairs of each Board of Trustees of Mothers' Assistance Fund and Board of Trustees of Pension Fund for the Blind shall be liquidated as soon as possible under the direction of the Department of Public Assistance and any balance of cash after paying all obligations shall be paid into the State Treasury to the credit of the General Fund Upon liquidation each board of trustees shall be abolished and all its property other than cash and its powers and duties with respect to a county are hereby transferred to the County Board of Assistance having jurisdiction in that county After such liquidation each county shall pay contribution towards assistance and administrative expenses on requisition of the County Board of Assistance instead of on requisition of the Board of Trustees of the Mothers' Assistance Fund

Section 15. General Construction (a) The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

(b) The provisions of this act shall be severable and if any provision hereof shall be held to be unconstitutional the decision so holding shall not be contrued to impair any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 16 Effective Date and Saving Clause The provisions of this act shall become effective on the first day of June one thousand nine hundred thirty-seven except that

(a) The Boards of Trustees of the Mothers' Assistance Fund and the Boards of Trustees of Pension Fund for the Blind shall continue as now constituted by law until liquidated under the provisions of this act, but shall not so continue after December thirty-first one thousand nine hundred thirty-seven

(b) The counties shall until January first one thou-

said nine hundred thirty-eight continue to pay contributions towards assistance and administrative expenses under the laws repealed by this act and for such purposes said laws shall be continued in force but thereafter such assistance and expenses shall be paid by the Commonwealth

Section 17 Repealer The following acts and their amendments and supplements are hereby repealed

The act approved the tenth day of July one thousand nine hundred nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State supervisor and assistants and fixing the salaries of such State supervisors and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of the act to appropriate certain moneys and providing penalties"

The act approved the ninetenth day of August one thousand nine hundred thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation"

The act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred fifty-four) entitled "An act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties

The act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred twenty-one) (act number two hundred twenty) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing the appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welare to cooperate with and to accept and disburse moneys received from the United States government for assistance to the blind and providing penalties"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties authorizing the Department of Welare to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts"

All other acts or parts of acts general local or special inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 883, on second reading, entitled:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administraton of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board,

be recommitted to the Committee on Welfare.

Mr. LANIUS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 889, as follows:

An Act to amend section six of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" authorizing the State Board of Undertakers to permit licensed undertakers to conduct branches chapels funeral homes or display parlors under trade names in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 6 Original licenses under this act shall be granted only to individuals upon the qualification and examination of the individual applicant and shall specify by name the person to whom it is issued and shall designate the particular place at which the business or profession of undertaking shall be carried on A license so issued shall authorize the conduct of such business or profession at the particular place of business so designated and no other and by the particular person designated and only one license shall be granted to or held by any individual An undertaker so licensed may change his or her place of business upon registration of that fact with the board This act shall not be construed as prohibiting two or more registered undertakers from operating a joint or partnership business if the business be conducted under the names of all such licensed undertakers but no undertaker granted an original license under this act shall conduct business under any other name than the name appearing on his or her license This section shall not apply to persons heretofore conducting business under a fictitious name Provided however That the board shall have

the power in its discretion to grant a permit to a licensed undertaker to conduct within the county in which he carries on his business or profession of undertaking a branch chapel funeral home or display parlors under his trade name And provided further That the care preparation embalming and disposition of a deceased body shall not be undertaken at the said branch chapel funeral home or display parlors unless under the supervision of a regular licensed undertaker who shall have a license to do business at the said branch chapel funeral home or display parlors prominently displayed in a conspicuous place

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 964 (House Bill No. 96), entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of ways or easements over State institution lands for public road purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 970 (House Bill No. 1400), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended regulating the sale and further regulating the installation use and operation of traffic regulation devices signals signs and markings and the operation of motor vehicles on the highways affecting the powers of municipal authorities in certain cases and of the Secretary of Highways and changing and imposing penalties

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine hundred and five and nine hundred and six of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by section twenty-eight of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 905 (As amended by Act Number 355 approved July 16 1935) Permits for Excessive Size and Weight

(a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may in their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible When a permit has been issued by the Secretary of Highways no other authorities shall require any further or additional permit for any portion of the route specified therein Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules regulations restrictions or conditions as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit The Secretary of Highways may in his discretion issue a single permit for any fixed number of movements across the highway of vehicles or combinations

thereof exceeding the maximum size or weight specified in this act at specified locations Whenever any such permit shall have been issued for crossing the highway it shall be unlawful to move said vehicles along the highway The movement of any vehicle or load requiring a permit shall impose the obligation on the permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not such damage may be attributable to negligence on the part of the permittee Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways of this Commonwealth or to any person having collision with or suffering injury from such vehicle

Section 906 Special Limitations

(a) No vehicles shall be operated upon any highway where such operation has been prohibited or restricted by the Secretary of Highways or local authorities as set forth in section one thousand one hundred and one (1101) of this act when [appropriate] official signs are erected and maintained

(b) It shall be unlawful for any person to drive or cause to be driven upon any bridge causeway or viaduct any vehicle which together with its load exceeds the maximum weight permitted and [mentioned] stated in the [posted] official signs erected and maintained in accordance with the requirements as set forth in section one thousand one hundred and two (1102) of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty dollars ($50) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend section 1, page 3, line 21, by striking out the word "is" and inserting in lieu thereof the word: "are"; amend section 1, page 3, line 23, by removing the quotes before the word "Section.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2 That subsections (b) and (d) of section one thousand and two of said act is hereby amended to read as follows

Section 1002 (b) 3 [Twenty (20) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where signs erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled are displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height This limit shall be observed for a distance beyond said sign for not more than one-eighth (1/8) of a mile An additional sign shall be placed at intervals not greater than one-eighth (1/8) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be a sign similarly placed as to traffic bearing the words "END OF TWENTY MILE SPEED LIMIT" in letters not less than (4) inches in height]

Twenty (20) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where [sign] official signs erected by the proper authorities are displayed [bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height] All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district when the driver's view is obstructed except on highways controlled at intersections by peace officer or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

(b) 4 Twenty-five (25) or Thirty-five (35) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where official signs erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled or on the left-hand side of one-way streets are displayed This limit shall be observed for a distance beyond said sign for not more than one-eighth (1/8) of a mile An additional sign shall be placed at intervals not greater than one-eighth (1/8) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be an official sign similarly placed as to traffic indicating the end of the limited zone

(b) [4] 5 [Forty (40)] Fifty (50) miles an hour speed limit All vehicles except those otherwise restricted by this act to lower maximum speeds

(d) When the rate of speed of any vehicle is timed on any highway within a business or residence district where ["TWENTY MILE SPEED LIMIT"] official speed limit signs are erected as provided in this section for the purpose of ascertaining whether or not the operator of such vehicle is violating a speed provision of this act such time shall be taken by not less than two (2) peace officers one of whom shall have been stationed at each end of a measured stretch and no conviction shall be had upon the unsupported evidence of one (1) peace officer except as hereinafter provided and no such measured stretch shall be less than one-eighth (⅛) of a mile in length Under all other conditions the rate of speed shall be timed for a distance of not less than one-quarter (¼) mile by a peace officer using a motor vehicle equipped with a speedometer tested for accuracy within a period of thirty (30) days prior to the alleged violation

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend section 2, page 6, line 4, by removing the quotes after the figure 1002 and before the letter (b); amend section 2, page 7, line 28, by removing the quotes after the word speeds.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The third to the fourteenth sections, inclusive of the bill were read as follows and agreed to:

Section 3 That subsection (d) of section one thousand and eight subsection (d) of section one thousand and eleven and subsections (a) and (b) of section one thousand and sixteen of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1008

(d) The driver of a vehicle shall not overtake and pass or attempt to pass any other vehicle proceeding in the same direction between any points indicated by the placing of official temporary warning or caution signs indicating that men are working on the highway

Section 1011

(d) Local authorities when [proper] official signs are erected may prohibit turning at intersections and may when the center of the intersection is occupied by a monument grass plot or any permanent structure other than a traffic control device direct traffic to keep to the right when [proper] official signs are erected

Section 1016

(a) It shall be unlawful for the driver or operator of any vehicle street car or trackless trolley omnibus except as is otherwise provided in this section before entering a through highway to fail to come to a full stop within a reasonable distance before entering the intersection on such through highway when an official "THRU TRAFFIC STOP" (sign has] sign or signs have been erected in accordance with the provisions of this act

(b) It shall be unlawful for the driver or operator of any vehicle street car or trackless trolley omnibus except as is otherwise provided in this section before entering a stop intersection to fail to come to a full stop within a reasonable distance before entering the intersection when [a "STOP" sign has] an official "STOP" sign or signs have been erected in accordance with the provisions of this act

Section 4 That subsection (b) of section one thousand and eighteen and subsection (a) of section one thousand and nineteen of said act are hereby amended to read as follows

Section 1018

(b) [No person shall drive a vehicle to the left of a safety zone where appropriated sign has been erected as provided in this act] Traffic may move on either side of a safety zone unless prohibited from driving to the left thereof by the erection of an official sign as provided in this act

Section 1019

(a) No person shall park or leave standing any vehicle whether attended or unattended upon the paved or improved or main traveled portion of any highway outside of a business or residence district when it is practicable to park or leave such vehicle standing off the paved or improved or main traveled portion of such highway provided In no event shall any person park or leave standing any vehicle whether attended or unattended upon any highway unless a clear and unobstructed width of not less than fifteen (15) feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon nor unless a clear view of such vehicle may be obtained from a distance of [two] three hundred [(200)] (300) feet in each direction upon such highway And further provided No person shall park or stand any vehicle whether attended or unattended in any no parking area where official "No Parking" signs have been erected in accordance with the provisions of section one thousand one hundred and thirteen (1113) of this act

Section 5 That paragraph twelve of section one thousand and twenty and subsections (b) (c) and (e) of section one thousand and twenty-six of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1020

12 At any place where official [traffic] signs have been erected prohibiting standing and parking

Section 1026

(b) Whenever traffic at an intersection is alternately directed to stop and go by the use of traffic signals the [words or] colored lights [or combination thereof] shall indicate as follows except as otherwise provided in this section

1 Green [or "Go"] Traffic facing the signal may proceed straight ahead and make right or left turns except where no such turns are permitted when so indicated by [proper] official signs Vehicular traffic shall yield the right of way to pedestrians crossing or who have started to cross the roadway on the green signal and vehicles lawfully within a crosswalk or the interesection at the time such signal was exhibited

2. Yellow [or "Caution"] When Shown Alone [Traffic facing the signal shall stop before entering the intersection and no movement of traffic shall be made except] [the traffic then within the intersection and a "U" turn on a two-way street back of the intersection when so indicated by proper signs] Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection

3 Red [or "Stop"] Traffic facing the signal shall stop before entering the intersection and remain standing until green [or "Go"] is shown [alone] No movement or turns shall be lawful on red [or "Stop" except that "U" turns may be made on a two-way street back of the intersection when so indicated by proper signs] except as otherwise provided in this section

4 No "U" turns shall be made on a two-way street in a business or residence district unless they shall be made back of the intersection on such signal and at such times and places as may be indicated by official signs

(c) Where official signs indicate turns as [above] provided in this section they shall be attached to the traffic signals or immediately adjacent thereto [and the letters shall be at least two (2) inches in height] and they shall be clearly illuminated at night

(e) Local authorities may provide for turns or movements straight ahead on special green arrow signals Where a left turn is provided for in the above manner there shall be no left turns on green [or "Go"] as above provided when so indicated by [proper] official signs

Section 6 That section one thousand and twenty-nine of said act is hereby amended to read as follows

Section 1029 Regulating Speed on Bridges No person shall drive any vehicle upon any public bridge causeway or viaduct other than interstate bridges as now provided by a law at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon when such structure is [sign] posted with official signs as provided in section one thousand one hundred and eleven (1111) of this act,

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 7 That section one thousand one hundred and one of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 1101 When Authorities May Restrict Right to Use Highways

(a) The Secretary of Highways of this Commonwealth and local authorities may by ordinance or resolution or ruling prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles and their loads for a total period not to exceed ninety (90) days in any one (1) calendar year when operated upon any highway under the jurisdiction of and for the maintenance of which the Secretary of Highways of this Commonwealth or local authorities are responsible whenever any said highway by reason of deterioration rain snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced The Secretary of Highways of this Commonwealth and local authorities enacting or making any such ordinance or resolution or rule shall erect or cause to be erected and maintained official signs designating the provisions of the ordinance or resolution or rule at each end of that portion of any highway affected thereby and at intersections thereof and the ordinance or resolution or rule shall not be effective until or unless such official signs are erected and maintained

(b) Whenever necessary for the protection of any highway or the safety of traffic thereon the Secretary of Highways of this Commonwealth or local authorities may also by ordinance or resolution or rule prohibit the operation of motor vehicles trailers or semi-trailers on designated

highways as to the weights and loads thereon which prohibitions and limitations shall be designated by [appropriate] official signs placed on such highways and their intersections

Section 8 That section one thousand one hundred and two of said act is hereby amended to read as follows

Section 1102 Regulating Weight of Vehicles on Bridges [Where] If any bridge causeway or viaduct owned or maintained whether owned in whole or in part by this Commonwealth or local authorities other than interstate bridges as now provided by law shall have [a sign] official signs properly posted in [a] conspicuous [place] places at the [entrance] entrances thereto stating the gross maximum weight permitted thereon it shall be unlawful for any person to drive or cause to be driven upon any such bridge causeway or viaduct any vehicle which together with its load shall be of greater gross maximum weight than is [mentioned in] stated on such [sign] signs [Provided however That the restrictions as to the maximum weight mentioned in such signs shall not apply for a period exceeding one (1) year from the date of posting of such signs unless a further extension of time is authorized by the Secretary of Highways of this Commonwealth]

Section 9 That subsection (a) of section one thousand one hundred and three of said act as amended by section thirty-six of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1103

(a) Local authorities except as expressly authorized by this act shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any ordinance rule or regulation contrary to the provisions of this act except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of peace officers or official traffic signals on any portion of the highway where traffic is heavy or continuous and may regulate or prohibit parking stopping or loading of vehicles or prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages and may regulate the kinds and classes of traffic and its turning on certain highways at all or certain hours and may regulate the transportation by motor vehicles of passengers for compensation within the limits of a city or from points in the city to points beyond the city limits and make and enforce regulations for the operation of such vehicles not inconsistent with this act and designate certain streets upon which such vehicles may be operated

Provided however that any regulations of the kinds and classes of traffic on State Highway Routes within cities shall be subject to the approval of the Secretary of Highways first had and obtained

Local authorities may designate any highway or any part of a highway under their jurisdiction a "Play Highway" and may close such designated highway to general traffic where interference to traffic will not be serious Such highways or portions of highways shall be used for play purposes and shall be clearly designated by appropriate signs specifying the hours between which such highways shall be closed to general traffic

Section 10 That subsections (a) and (b) and the section heading of section one thousand one hundred and five of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1105 Uniformity and Control of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth shall forthwith make and publish regulations for the design [and] location and operation of all official traffic signs signals and markings in this Commonwealth and such traffic signs signals and markings shall correlate with and so far as [possible] practicable conform with the system adopted [in other states] by the Fourth National Conference on Street and Highway Safety published November one thousand nine hundred and thirty-five and amendments thereto Local authorities are directed to follow the uniform regulations for traffic signs signals and markings as so provided and no other system shall be regarded as official

(b) The Secretary of Highways of this Commonwealth shall have authority over the type installation location operation and maintenance of all traffic signs signals and markings on State highways [in townships] in this Commonwealth and [authority over the installation location and maintenance of all signs and markings] on highways in cities boroughs and incorporated towns where such highways form connecting links between or continuations of State highways and shall have the power and it shall be his duty to cause the removal alteration or adjustment of any [such] signs signals or markings that do not conform with the regulations of the Department of Highways

Section 11 That section one thousand one hundred and six of said act is hereby amended to read as follows

Section 1106 Local Traffic Signs Local authorities in their respective jurisdiction may cause official signs in accordance with section one thousand one hundred and five of this act to be erected and maintained as may be appropriate to give notice of legal parking and other local ordinances rules regulations Local parking and other local ordinances rules and regulations shall not be enforceable against an alleged violator if at the time and place of the alleged violation an [appropriate] official sign giving notice thereof is not posted conspicuously by the municipalities making the same at points where any highway affected thereby joins other highways

Section 12 That section one thousand one hundred and eight of said act as amended by section thirty-eight of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1108 Defacing Signs Signals or Markings It shall be unlawful for any person to deface damage knock down or remove any traffic sign signal or marking [posted] placed as provided in this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [ten (10)] ninety (90) days

Section 13 That section one thousand one hundred and nine of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 1109 Establishment of Safety Zones The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to establish safety zones The Secretary of Highways of this Commonwealth and local authorities when establishing a safety zone shall erect and maintain official signs [bearing the words "Safety Zone"] illuminated at night or so designed to reflect light from headlamps

The fourteenth section of the bill was read as follows:

Section 14 That section one thousand one hundred and ten of said act as amended by section thirty-nine of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1110 Erection of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain official traffic signs signals and markings Before local authorities except in cities of the first and second class [in counties or townships] shall erect or cause to be erected traffic signals [on a State Highway] they must first obtain the approval of the Secretary of Highways of this Commonwealth

(b) Whenever it is desired to erect or maintain any traffic signal in this Commonwealth the need thereof shall first be established upon the basis of safety and/or convenience to traffic The basis of determination of the need for a traffic signal shall be the volume of traffic entering the intersection the number of accidents that have occurred in each of the three preceding years and other factors The Secretary shall establish minimum standards for each of the factors upon which approval of the erection or maintenance of the signal shall be based

[(b)] (c) Traffic signals electrically operated shall conform to the following

1 [Where a] A three-color system [is] shall be used [the] No yellow light [following] shall follow the red light "in signals hereafter erected In signals heretofore erected the yellow light following the red light" shall not exceed three (3) seconds in length [The timing of all lights shall be determined by the volume of traffic and other conditions]

2 [Where three colored lights are used the yellow shall be in the center] The sequence or order of illumination of the colored lens of all traffic signals shall be as follows The green light followed by the yellow light followed by the red light followed by the green light and repeat Green arrows if used may be illuminated either alone or in combination with any other lens There shall be no yellow lens illuminated following the red lens Traffic signals erected or reconstructed after January first one thousand nine hundred and thirty-eight shall conform to the provisions of this section

(3) The [light] lamps shall be of such power as to cause the signal to be visible for at least three hundred (300) feet

4 Traffic signals of the pedestal type shall be placed at a height of no less than eight (8) feet above the pavement to the bottom of the signal [if] If on a mast arm or if suspended the bottom of the signal shall clear the pavement by at least fifteen (15) feet Provided That the requirements as to height of traffic signals shall not apply to such signals installed and in operation prior to January first one thousand nine hundred thirty except that replacement of present traffic signals made in the interim shall conform to these provisions

[(c)] (d) Traffic signals manually operated or commonly known as semaphores shall conform to the following

1 There may be four vanes or sides the stop vanes having a red field with the word "STOP" plainly visible thereon and the go vanes a green field with the word "GO" plainly visible thereon

2 When used at night they shall be equiped with red and green lights corresponding with the vanes or sides and with the same visibility as electrically operated signals

[(d)] (e) All traffic signals shall be so located as to be plainly visible to all traffic to be regulated Whenever physical conditions will permit they shall be on or near the right curb line at the far side of the intersection facing in the direction of approaching traffic The bottom of the signal shall be at a height of approximately eight (8) feet above the surface of the highway

[(e)] (f) Traffic signals electrically operated erected after January first one thousand nine hundred and thirty-two shall be of the three-color system The red lens shall be at the top of the left side the yellow lens in the center the green lens at the bottom or right side Where a special green arrow is used for right or left turns it shall be located below or to the right of the green lens

(g) Traffic signals electrically operated that have been erected prior to the passage of this act whenever reconstructed or the controllers or wiring are replaced shall be made to conform with the provisions of this act and the regulations of the Secretary of Highways but in any event all such signals shall be made to so conform not later than January first one thousand nine hundred and forty unless extension of time shall be granted by the Secretary of Highways in each specified case

Penalty Any official of any county city borough incorporated town or township of the first class who shall erect or cause to be erected and operate a traffic signal in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced to [a] pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend section 14, page 20, line 20, by striking out the quotes after the word light and before the word in; amend section 14, page 20, line 21, by striking out the quotes after the word light and before the word shall.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifteenth and sixteenth sections inclusive of the bill was read as follows and agreed to.

Section 15 That sections one thousand one hundred and eleven and one thousand one hundred and thirteen of said act are hereby amended to read as follows

Section 1111 Regulating Speed on Bridges The Secretary of Highways of this Commonwealth or other proper State body or any local authority shall upon request or upon their own initiative may conduct an investigation of any public bridge causeway or viaduct under their respective jurisdictions and in it of they shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act the Secretary of Highways of this Commonwealth or other State body or local authorities shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause [or permit suitable] official signs stating such maximum speed to be erected and maintained thereon at each end of such structure facing approaching traffic The provisions of this section shall not apply to interstate bridges as now provided by law

Section 1113 Parking Restriction on State Highways The Secretary of Highways of this Commonwealth is hereby authorized to designate certain sections of State highway routes under his jurisdiction as "No Parking Areas" and to erect and maintain the necessary official signs to carry out this provision

Section 16 That article eleven of said act is hereby amended by adding thereto after section one thousand one hundred and thirteen a new section to read as follows

Section 1114 Use Test Approval and Sale of Traffic Signs Signals and Regulatory Devices

(a) It shall be unlawful for any person to use on any street or highway in this Commonwealth any traffic regulatory sign signal marking or any other device unless of a type which has been submitted to the Secretary of Highways for test and for which a certificate of approval has been issued by the secretary and is then in effect as provided by this act

(b) Any person desiring approval of any traffic sign signal or any other traffic regulatory device shall when required submit to the secretary one or more sets of each type of device upon which approval is desired together with the fee provided in this act The secretary shall upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory as he may elect for a report as to the compliance of such device with the rules and uniform standard specifications adopted by the secretary Such devices will also be subject to any road tests or

other tests as the secretary may deem necessary to determine that each type of device they and their component parts conform to the requirements as adopted by the secretary The secretary is authorized to refuse approval of any device certified as complying with the specifications and requirements which the secretary determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act or such requirements as may be adopted by the secretary

(c) The secretary shall request the testing agency to submit a report of each type of device to the secretary in duplicate For those which are found to comply with the specifications and requirements the report shall include any special adjustments required Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the secretary to the applicant for the test

(d) It shall be unlawful for any manufacturer jobber retailer or their agent or for any other person to sell lease or offer for sale or hire any signal or any other traffic regulatory device that does not conform to the provisions of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than one hundred ($100) dollars or more than one thousand ($1,000) dollars and cost of prosecution and in default of the payment thereof shall undergo imprisonment of not more than thirty (30) days

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 973 (House Bill No. 1559), entitled:

An Act concerning vocational education providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress approved June eighth one thousand nine hundred and thirty-six entitled "An act to provide for the further development of vocational education in the several States and Territories" and conferring powers and imposing duties on the State Treasurer and the State Council of Education.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 981, (House Bill No. 1775), entitled:

An Act to amend clause (g) section one thousand three hundred nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" to authorize the Pennsylvania Historical Commission at its discretion to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 998, as follows:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring or refunding of indebtedness the issuing of bonds by school districts and the retiring of indebtedness making payroll obligations preferential claims against the district providing for penalties for failure to comply with any part of the act and repealing provisions of state laws inconsistent with this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section four the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet laws 1152) is hereby further amended to read as follows

Section 506 The board of school directors in any school district in this Commonwealth in any year in order to purchase or acquire proper sites or grounds for school buildings or any lands additional to any present school sites or grounds or to erect enlarge equip or furnish any school building or to repair remodel or rebuild any new or old building [or in order to pay or refund any existing indebtedness] of any school district or to pay and indebtedness incurred by any municipality for or on account of any school district or for school purposes as herein required to be assumed by any school district hereby established [or to refund as herein authorized to any municipality the amount of any such indebtedness or to pay or refund obligations of certificates of indebtedness issued under the provisions of section five hundred and eight of this act] or to pay any refund of taxes decreed by an order of court or to refund certain bonds as hereinafter provided or to pay temporary indebtedness which was incurred for the foregoing purposes may create and incur an indebtedness against such school district and issue bonds payable as hereinafter provided to secure the same [for any and all such purposes or may create and incur and increase of any existing indebtedness against any such school district for any and all purposes to any

amount that the total indebtedness of such school district including the indebtedness of any school or ward school district therein if any shall never exceed seven per centum upon the assessed value of the taxable property for school purposes therein]

In school districts of the first class the indebtedness of any such district including the bonded indebtedness together with the temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein

In school districts of the second third and fourth class the indebtedness of any such school district including the bonded indebtedness together with the temporary indebtedness shall never exceed seven (7) per centum of the last assessed valuation of the taxable property for school purposes therein

In determining the indebtedness of a school district the following deductions from the amount of all indebtedness are permitted cash in the sinking funds inviolably pledged for the payment of existing indebtedness and any bonds of the school district purchased and held in such sinking fund such outstanding property taxes for school purposes as are certainly and promptly collectible as quick assets and applicable to payment of said indebtedness and any other revenue that may be applicable within a year to the payment of the indebtedness

Section 2 Section five hundred and seven of the said act is hereby amended to read as follows

Section 507 All bonds hereafter issued by any school district in this Commonwealth [after the approval of this act] shall be made payable and become due at stated periods [not exceeding thirty years after date thereof] as hereinafter provided and the school district issuing the same shall in its annual tax levy provide in such manner and at such times as it may determine for the payment thereof [within thirty years] at or before maturity with interest Provided That any school district hereafter issuing any bonds may provide therein for its rights to anticipate the payment thereof at such stated times as it may deem proper

All bonds issued for the purposes provided for in this act shall be made payable not exceeding twenty-five years after date of said bonds Provided That all bonds issued to pay outstanding bonds which have been called for payment before date of maturity shall be made payable not later than the date of maturity of the original bonds and Provided That all bonds issued to refund bonds at the date of their maturity shall be made payable not later than ten years after the date of issuance of such refunding bonds Provided further however that bonds may be issued to fund temporary indebtedness incurred for current expenses and debt service prior to the first day of July one thousand nine hundred and thirty-seven and such bonds shall be payable as hereinafter provided not exceeding twenty years from the date of said bonds

All bonds hereafter issued by any school district shall be serial bonds The retirement of the principal shall commence not later than three years after date of said bonds and thereafter annual installments of principal shall be paid in as nearly equal amounts as the bond issue will permit Provided That if the amount of bonds of any bond issue existing prior to the first day of July one thousand nine hundred thirty-seven maturing in any single year is in excess of five per cent of the total amount of such bond issue the amount in excess of five per cent of such bond issue may be refunded by the board of school directors of any school district without the assent of the electors The retirement of the principal of such refunding bonds shall commence not later than one year after date of said bonds and annual installments of principal shall be paid in as nearly equal amounts as the bond issue will permit as hereinbefore provided

The assent of the electors shall be required in all school districts of the second third and fourth class in this Commonwealth to issue bonds which will incur any new debt or increase the indebtedness including the bonded indebtedness together with the temporary indebtedness to an amount in excess of two per centum of the assessed value of the taxable property for school purposes therein Provided That the indebtedness of any such school district shall never exceed seven (7) per centum of the last assessed valuation of taxable property for school purposes therein Provided further That the board of school directors of any first second third or fourth class school district shall have authority without the assent of the electors to issue bonds to incur upon its own authority any amount of such indebtedness not in excess of two (2) per centum of the last assessed valuation of taxable property for school purposes therein Provided further That the board of school directors in any school district may issue all refunding bonds as herein provided upon its own authority without submitting any such refunding bond issue to a vote of the electors

Any school district which calls bonds for payment prior to the date of maturity as hereinbefore provided may issue bonds for the purpose of paying any or all such bonds as may be called for payment All bonds issued for the purpose of reunding bonds shall be issued according to the provisions hereinbefore provided for the issuing of such bonds

It shall be the duty of the State Superintendent of Public Instruction to require as part of the annual financial reports of all the school districts a list of the amount of bonds or other indebtedness that becomes due during the fiscal year together with the amount paid on each item of indebtedness In case of failure on the part of any school district to furnish such report at the required time after the close of the fiscal year the State Superintendent of Public Instruction may withhold any State appropriation that may become due to any such school district until such report covering information regarding the maturities of indebtedness and payments on same during the preceding fiscal year as required herein and any other information which he may require of a school district has been received In all cases where an audit under the direction of the State Superintendent of Public Instruction reveals that the board of directors of any school district has in any year failed to pay or to provide for the payment of any indebtedness at date of maturity in accordance with the schedule under which the bonds were issued the State Superintendent of Public Instruction shall notify such board of school directors of its obligation and may withold all state appropriation that may become due to such school district until such time as he is officially advised that all obligations of such school district with reference to any bonds or other evidences of indebtedness past due have been met and paid in full or arrangements to pay same have been made in a satisfactory manner and approved by him

Section 3 Section five hundred and eight of the said act as last amended by section five of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1152) is hereby further amended to read as follows

Section 508 Any school district having no indebtedness or whose indebtedness incurred or created without the assent of the electors thereof is less than two (2) per centum of the total valuation of the taxable property for school purposes therein may at any time for the purpose of providing funds in any fiscal year for current expenses and debt service for permanent improvements or in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs with such limitations and for such length of term as hereinafter provided by or through its board of school directors incur in addition to any bonds therein authorized a temporary debt or borrow money [which in school districts of the first and second class shall not exceed four-tenths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such school district] and issue an obligation or obligations therefor under the seal of the district if any properly attested by the president and secretary thereof [payable within two years from the date thereof] and bearing interest not exceeding the legal rate but no such obligation shall be sold for less than par Provided That the incurring of any such temporary debt or borrowing money

upon such obligation shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein [Provided further That the total amount of all indebtedness incured or created without the assent of the electors in any school district issuing such obligations shall not at any time including all such obligations exceed two per centum of the total valuation of the taxable property therein Provided further That any school district incurring any temporary debt and issuing such obligations in the manner herein provided shall provide from its current revenue for the payment of the same except such temporary debt as shall have been refunded by an issue of bonds provisions for the payment of which bonds shall be made as herein provided for the payment of all bonds]

The total amount of temporary indebtedness incurred for current expenses and debt service shall at no time exceed an amount equay to the state appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected for the current fiscal year All such loans shall be paid out of the receipts available or pledged for the repayment thereof when and as the said funds are received Provided That the total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget and be included therein

The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements shall at no time in school districts of the first and second class exceed one-half of one (1) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the third and fourth class two (2) per centum of such assessed valuation Provided that at or before the time of incurring such indebtedness for such purpose provision shall be made for the collection of an annual tax sufficient to pay the interest and also the principal thereof within the term of such indebtedness as hereinafter provided Provided That the total indebtedness in any school district of the first class including all bonded indebtedness and temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the second third and fourth class shall not exceed seven (7) per centum of such assessed valuation

The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs as hereinbefore provided shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue

All money borrowed for the purpose of current expenses and debt service as hereinbefore provided and remaining unpaid at the close of any fiscal year shall be paid out of the receipts of the following fiscal year for school districts as heretofore provided but in all events not later than the first day of July of such following year in school districts of the first class and not later than the first day of November in school districts of the second third and fourth class Provided That all temporary indebtedness for such purpose existing prior to the first day of July one thousand nine hundred thirty-seven shall be payable at any time not to exceed three years thereafter

All money borrowed for permanent improvements for which no bond issue has been provided and for which an obligation or obligations other than bonds have been issued shall be paid within three years from date of issue of such obligation together with interest and at least one-third of the total principal of the original loan shall be paid annually Such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year Provided That the amount reborrowed is less than the amount borrowed the preceding year by at least one-third of the total amount of the original loan Provided further That each time the money is reborrowed the date and purpose for which it was originally borrowed shall be restated Provided further That the amount of the original loan shall be paid in full within a maximum term of three years from the date of the original loan for such purpose

All obligations other than bonds issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs shall be paid in full together with interest out of the proceeds of such bond issue within one year six months from the date of authorization of such bond issue

In case of an emergency any school district in this Commonwealth in any fiscal year after incurring temporary indebtedness for current expenses and debt service to the full extent of the provisions hereinbefore provided and finding the receipts from said temporary loans together with all other receipts to be inadequate to meet the expenditures of the official fiscal year's budget may appeal to the State Superintendent of Public Instruction for permission to increase the temporary indebtedness of such school district beyond the amount hereinbefore provided and shall present to the State Superintendent of Public Instruction or his agent such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness The State Superintendent of Public Instruction is hereby authorized after due examination of the need of such school district either to refuse or grant permission to such school district to borrow additional funds beyond the provisions hereinbefore provided and in case of approval he shall set a maximum limit of the total amount of additional temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness outstanding at the time of such approval Provided That such additional amount of temporary indebtedness together with all other tempororay indebtedness at any time for the purpose of payments on current expenses and debt service in school districts of the first and second class shall not exceed four-tenths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such district and the total indebtedness for such purposes together with all other indebtedness incurred without authorization by vote of the electors of the district shall at no time exceed two (2) per centum of the last total assessed valuation of the taxable property therein All temporary indebtedness remaining unpaid at the end of the fiscal year shall be paid in the same manner as hereinbefore provided

Section 4 Section five hundred and eighteen of the said act is hereby amended to read as follows

Section 518 Any school district in this Commonwealth [established by this act which assumed and] which is [hereby] required to pay any school indebtedness existing at the time of the approval of this act may establish a sinking fund for the purpose of liquidating the same

Any school district in this Commonwealth which hereafter incurs any bounded indebtedness shall at or before the time of so doing levy and provide for the collection of an annual tax sufficient for the payment thereof together with interest as per the schedule of maturities in the bond proceedings as provided in this act and shall establish a sinking fund for the purpose of payment of such bonds

Section 5 Section one thousand two hundred ten of the said act as last amended by the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws 993) is hereby further amended by the addition of a new paragraph to read as follows

Section 1210

27 The payroll obligations of each school district in this Commonwealth shall be preferential claims it shall be the duty of the board of school directors of each district to provide for the payment of said payroll obligations before authorizing the payment of any other current expense except for fuel water electric service or such supplies as are actually essential for keeping the schools in

session In order to meet payroll requirements the board shall if necessary negotiate such short term loans as are necessary and possible in accordance with the law governing the borrowing powers of the district

Section 6. All other provisions of the laws of the State of Pennsylvania or parts thereof inconsistent herewith are hereby repealed Provided That the repeal of said provisions or parts thereof shall in no way affect the legality of the issue of any bonds or other evidences of indebtedness issued under laws previously in force Provided That the provisions of this act shall not be construed to be inconsistent with or as repealing in whole or in part any provisions of the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 813)

Section 7 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 8 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1014 (House Bill No. 1358), on second reading, entitled:

An Act abolishing the Municipal Court of Philadelphia and transferring actions books records documents and papers in the possession of said court to other courts of the County of Philadelphia

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1015 (House Bill No. 1565), entitled:

An Act to amend the act approved the thirteenth day of May one thousand nine hundred and nine (P. L. 520) entitled 'An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" as amended further regulating the adulteration and misbranding of food for injunction against the sale of food in certain cases and changing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1027 (House Bill No. 872), entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any official or authority charged with the duty of assessing real estate for the purpose of taxation is hereby authorized at any time to split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit and facilitate the payment of a portion only of the taxes levied on such tract of real estate which partial payment shall represent the taxes due upon a fixed and described parcel of such tract In such cases the tax collecting authority shall accept the payment of such amount as represents the taxes penalties and interest due on such fixed and described parcel of the larger tract in the same manner and subject to the same duties relative thereto as if fixed and described parcel had been assessed as one parcel of real estate in the original assessment The provisions of this section shall apply to all taxes which are or have been returned to the county commissioners or entered as liens in the office of the prothonotary

Section 2 In all cases where any official or authority charged with the duty of assessing real estate for the purpose of taxation has heretofore split or separated the assessment on any tract of real estate in the manner and for the purpose described in this act such action is hereby ratified confirmed and validated and the assessment of each parcel of real estate which has heretofore been split or separated for the purpose described in this act are hereby declared to be for all purposes as good and valid as if such parcels of real estate had been assessed separately in the original assessment

Section 3 This act shall not apply to cities of the first class

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 1057 (House Bill No. 1261), on second reading, entitled:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1062 (House Bill No. 1981), entitled:

An Act to amend the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof;" further regulating the manufacture, importation and sale of such products; providing for injunctions; and changing the penalties prescribed.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1076, as follows:

An Act to amend section one as amended and sections two and three of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same" requiring cities to make certain appropriations to the police retirement fund increasing the maximum payments by members and generally clarifying the provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same" as amended by the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1272) is hereby further amended to read as follows

Section 1 Be it enacted etc That the several cities of this Commonwealth incorporated by general or special laws shall establish by ordinance a police [pension] retirement fund to be maintained by an equal and proportionate monthly charge against each member of the police force which shall not exceed annually three and one-half per centum of the pay of such member and by annual appropriations made by the city which fund shall be under the direction of councils or [committee] committed to the direction of such officers of the city as may be designated by councils and applied under such regulations as councils may by ordinance prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service but such retirement allowances as shall be made to those who are retired by reason of the disabilities [of] or age shall be in conformity with a uniform scale

The annual appropriation made by the city each year shall be sufficient when added to the contributions made by members of the police force during such year and income from investments to pay in full the retirement allowances payable during such year

Such ordinance may prescribe a minimum period of continuous service not less than twenty years and a minimum age of fifty years after which members of the force may be retired from active duty and such members as are retired shall be subject to service from time to time as a police reserve until unfitted for such service when they may be finally discharged by reason of age or disability

Payments made under the provisions of this section shall not be a charge on any other fund in the treasury of the city or under its control save the police [pension] retirement fund herein provided for The basis of the apportionment of the [pension] retirement allowance shall be determined by the rate of the monthly pay of the member at the date of death honorable discharge or retirement and shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly rate

Section 2 That sections two and three of said act are hereby amended to read as follows

Section 2 It shall be competent for any such [city or borough] police retirement fund to take by gift grant devise or bequest any money or property real personal or mixed in trust for the benefit of such [pension] fund and the care management investment and disposal of such trust funds or property shall be vested in [such] the officer or officers of such city [or borough for the time being as the said city or borough may designate and such care management and disposal shall likewise be directed by ordinance] having the management of such police pension fund and the said trust funds shall be governed thereby subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe

Section 3 Whenever any person shall become entitled to receive a benefit from the police [pension] retirement fund and shall have been admitted to participate therein he shall not be deprived of his right to an equal and proportionate participation therein upon the basis upon which he first became entitled thereto save from one or more of the following causes that is to say conviction of a crime or misdemeanor becoming an habitual drunkard becoming a non-resident of the State or failing to comply with [same] some general regulation relating to the [management of] said fund which may be made by ordinance and which may provide that a failure to comply therewith shall terminate the right to participate in the [pension] fund after such due notice and hearing as shall be prescribed by ordinance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1080 (House Bill No. 1575), entitled:

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1085, on second reading, entitled:

An Act providing for fixing minimum compensation for barber service in the several counties of this Commonwealth conferring powers and imposing duties on the Department of Public Instruction and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1099 (House Bill No. 1474), entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by permitting the revival of other than tax claims by a suggestion of non-payment and averment of default before or after judgment on scire facias

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1109, as follows:

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the beginning of a revolving fund for street sidewalk and sewer improvements by funds raised from bond issues

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of he same That section two thousand six hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 2601 Special Tax Bond Issue The several townships are hereby empowered to levy and collect annually a tax upon all property taxable for township purposes not to exceed five mills on the dollar in any one year for the purpose of creating and maintaining a revolving fund to be used by such township in making permanent street sidewalk or sewer improvements and to pay contract prices for permanent street sidewalk or sewer improvements prior to the collection of the cost and expense or any part thereof from the property owners adjoining or abutting thereon by such townships under existing laws Any such revolving fund may also be begun by funds raised by the issuance of bonds of the township in the manner provided by law for the making of permanent street sidewalk and sewer improvements

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1110, as follows:

An Act to add subdivision (h) to Article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing for a revolving fund for permanent street sidewalk and sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending devising consolidating and changing the law relating thereto" is hereby amended by adding thereto after section one thousand five hundred and forty-one a new subdivision to read as follows

(h) Revolving Fund for Street Sidewalk and Sewer Improvements

Section 1550 Special Tax Bond Issue Townships are hereby empowered to levy and collect annually a tax upon all property taxable for township purposes not to exceed five mills on the dollar in any one year for the purpose of creating and maintaining a revolving fund to be used by such township in making permanent street sidewalk or sewer improvements prior to the collection of the cost and expense or any part thereof from the property owners adjoining or abutting thereon by such township under existing laws Any such revolving fund may also be begun by funds raised through the issuance of bonds of the township in the manner provided by law for the making of permanent street sidewalk or sewer improvements

Section 1551 Repayments into Revolving Fund When the cost and expense or any part thereof of the construction of any permanent street sidewalk or sewer improvement which has been made under existing laws and which has been aided in its construction from the said revolving fund hereby provided for shall have been assessed and collected from the owners of the property adjoining or abutting upon such improvement it shall be applied to the credit of said revolving fund to the extent of the withdrawal therefrom for such purpose

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1111, as follows:

An Act to add subdivision (c) to Article twenty-three of the act approved the twenty-thrid day of June one

thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by providing for a revolving fund for street sidewalk and sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article twenty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended by adding thereto after section three thousand three hundred and sixteen a new subdivision to read as follows

(c) Revolving Fund for Street Sidewalk and Sewer Improvements

Section 3320 Special Tax Bond Issue Cities are hereby empowered to levy and collect annually a tax upon all property taxable for city purposes not to exceed five mills on the dollar in any one year for the purpose of creating and maintaining a revolving fund to be used by such cities in making permanent street sidewalk or sewer improvements prior to the collection of the cost and expense or any part thereof from the property owners adjoining or abutting thereon by such cities under existing laws Any such revolving fund may also be begun by funds raised through the issuance of bonds of the city in the manner provided by law for the making of permanent street sidewolk or sewer improvements

Section 3321 Repayments into Revolving Fund When the cost and expense or any part thereof of the construction of any permanent street sidewalk or sewer improvement which has been made under existing laws and which has been aided in its construction from the said revolving fund hereby provided for shall have been assessed and collected from the owners of the property adjoining or abutting upon such improvement it shall be applied to the credit of the said revolving fund to the extent of the withdrawal therefrom for such purpose

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1112, as follows:

An Act to amend subdivision (i) of article seventeen of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a revolving fund for street sidewalk and sewer improvement

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subdivision (i) of article seventeen of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

(i) Special Tax and [Sinking] Revolving Fund [For Street Improvement]

Section 1770 Special [Road Sinking] Revolving Fund Tax Bond Issue The several boroughs are hereby empowered to levy and collect annually a tax upon all property taxable for borough purposes not to exceed five mills on the dollar in any one year for the purpose of creating and maintaining a [sinking] revolving fund to be used by such borough in making permanent street sidewalk or sewer improvements [and to pay contract prices for paving and other permanent street improvements] prior to the collection of the cost and expense or any part thereof from the property owners adjoining or abutting thereon by such borough under existing laws Any such revolving fund may also be begun by funds raised through the issuance of bonds of the borough in the manner provided by law for the making of permanent street sidewalk and sewer improvement

Section 1771 Repayments Into [Sinking] Fund When the cost and expense or any part thereof of the construction of any permanent street sidewalk or sewer improvement which has been made under existing laws and which has been aided in its construction from the said [sinking] revolving fund hereby provided for shall have been assessed and collected from the owners of the property adjoining or abutting upon such improvement it shall be applied to the credit of the said [sinking] revolving fund to the extent of the withdrawal therefrom for such purpose

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1114, as follows:

An Act to amend section two hundred two of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs by further regulating the incorporation of boroughs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred two of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 202 Applications for Incorporation The application for incorporation shall be in writing and shall be signed within three months immediately preceding its presentation to the court by a majority of the [freeholders] registered voters residing within the limits of the proposed borough

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1116, as follows:

An Act to amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws 759) entitled "An act granting the right and lawful authority to corporations to construct operate and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply subject to the approval of the Water Supply Commission' extending the provisions of said act to additional corporations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighth day of July one thousand nine hundred and

nineteen (Pamphlet Laws 759) entitled "An act granting the right of lawful authority to corporations to construct operate and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply subject to the approval of the Water Supply Commission" is hereby amended to read as follows

Section 1 Be it enacted etc That from and after the passage of this act whenever the power or manufacturing or mining plant of any company heretofore or hereafter incorporated under the laws of the Commonwealth of Pennsylvania is situated upon or near the bank of any navigable stream within this Commonwealth and such company has the right either as the owner in fee or by lease or other arrangement to mine coal from or under lands adjoining or adjacent to the oposite bank of said navigable stream or is the owner of a majority of the capital stock of any company that has the right either as owner in fee or by lease or other arrangement to mine coal from or under lands adjoining or adjacent to such opposite bank of said navigable stream such company shall have the right and lawful authority to construct operate and maintain tunnels under said navigable stream so as to conect said coal lands and any mine operated in connection with said coal lands with said power or mining plant of said company Provided however Before any company begins the construction of any tunnel it shall make application to and secure the approval of the [Water Supply Commission of the Commonwealth of Pennsylvania] Water and Power Resources Board or such other authority as shall at the time of such application have jurisdiction over navigable streams under the laws of the Commonwealth of Pennsylvania the same as now vested in said [Water Supply Commission] Water and Power Resources Board Provided however That said corporation or corporations constructing said tunnel or tunnels shall pay to the Commonwealth of Pennsylvania the fair market value for all coal mined in constructing said tunnel or tunnels

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1122, entitled:

An Act providing for the erection construction and equipment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acqiuring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries and conferring powers and imposing duties upon certain State departments boards commissions and officers

Whereas The Eastern State Penitentiary located in Philadelphia is antiquated and many hazardous conditions exist due to deferred maintenance of more than a decade anticipating the removal of inmates therefrom and

Whereas There is urgent need for the erection of a new State penitentiary for the segregation of maximum security prisoners transfered from both the Eastern and Western State Penitentiaries thus accomplishing one important step in the development of an adequate penal institution program for the Commonwealth and

Whereas It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct such new penitentiary and lease the same to the Commonwealth therefore

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Welfare with the approval of the Governor shall select for acquisition either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the Authority a tract of land of not less than five hundred acres centrally located well supplied with water and capable of being properly sewered and drained for the erection and construction thereon by The General State Authority of an institution to be known as the Maximum Security State Penitentiary for the confinement of not less than one thousand convicts to be transferred from the Eastern and Western State Penitentiaries The title to the lands so acquired shall be approved by the Attorney General If it shall be found that the Commonwealth owns State forest lands or other lands suitable in whole or in part for such use such lands may be designated by the Department of Welfare with the approval of the Governor and the department board or commission having possession and control of the same and used for the aforesaid purpose and any additional lands necessary may be selected and acquired as aforesaid

On the question,

Will the Senate agree to the section?

Mr. MUNDY. Mr. President, I move to amend sec. 1, page 2, line 13, by striking out the word "Penitentiay" and inserting in lieu thereof "Penitentiary"; amend sec. 1, page 2, line 14, by striking out the words "one thousand" and inserting in lieu thereof "six hundred".

Mr. SIPE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second to seventh sections, inclusive, of the bill were read as follows and agreed to:

Section 2 Upon the acquisition of any kind in the name of the Commonwealth or designation of any land of the Commonwealth as provided in section one the Department of Property and Supplies shall have the authority to convey the same to The General State Authority for the purpose of having such Authority erect or construct thereon the Maximum Security State Penitentiary The plans and specifications of the penitentiary whether erected on land acquired directly by The General State Authority or by conveyance to it from the Commonwealth shall be subject to the approval of the Department of Welfare and shall provide for suitable buildings and an adequate water supply system sewage treatment works heat and electric power plant or plants service lines and other necessary equipment structures and improvements The buildings shall be of modern design plain and substantial and capable of extension as the needs of the institution may require

Section 3 The Department of Welfare may enter into an agreement with The General State Authority for the use of convicts in the Eastern and Western State Penitentiaries in improving the site of the new penitentiary the preparation of building materials the construction of any buildings and improvements pertinent thereto or to engage in farming or dairying work In the case of any such agreement the Department of Welfare shall have power to transfer from the Eastern and Western State Penitentiaries such convicts as it may deem necessary for

these purposes provided that a suitable building or buildings are available for the custody of such convicts Such agreement shall require that The General State Authority shall pay to the Manufacturing Fund in the State Treasury for the labor of such convicts such wages for each convict so employed as may be agreed upon in accordance with the laws regulating the employment of prison or inmate labor The expense of maintaining such convicts at the site of the new penitentiary shall be borne by the respective counties in which they shall been convicted and shall be paid to the State Treasurer through the Department of Revenue as provided by law in the case of convicts confined in the State penitentiaries but such actual expense shall be paid in the first instance by the Department of Welfare from appropriations made for such purposes Upon the completion of their work any convicts transferred for work in connection with such penitentiary shall be re-transferred to the penitentiary from which they were originally transferred unless they are detained in the new penitentiary as maximum security prisoners

Section 4 The Department of Property and Supplies with the approval of the Governor is hereby authorized to enter into a lease for not more than fifty (50) years with The General State Authority to acquire the use of the Maximum Security State Penitentiary and any lands or farms conected therewith for the purpose of having the same managed and operated by the Department of Welface In such case the management and operation of the penitentiary and the case maintenance and employment of the convicts shall be the function of the Department of Welfare Subject to and in the manner provided in The Administrative Code of 1929 and its amendments the Department of Welfare shall have power to employ and fix the compensation of a superintendent deputy superintendent chaplain guards physicians mechanics clerks stenographers and other employes as may be deemed necessary for the proper maintenance and management of the penitentiary and the safe-keeping therein of maximum security prisoners The compensation of all persons so appointed and all other expenses in connection with the care and maintenance of convicts in said penitentiary shall be paid from the appropriations made to the Department of Welfare for such purposes but the Commonwealth shall be reimbursed for such expenditures by the respective counties in which such convicts were convicted to the extent and in the manner provided by law in the case of convicts maintained in the Eastern and Western State Penitentiaries

Section 5 Upon the completion of the Maximum Security State Penitentiary and after the execution of a lease of the same by the Commonwealth of Pennsylvania from The General State Authority the Department of Welfare shall from time to time transfer from the Eastern and Western State Penitentiaries such convicts as by their conduct in such penitentiaries and past records require provisions for maximum security in order to prevent their escape or to prevent the causing of riot and disorder in the State penitentiaries Such convicts shall be known as maximum security prisoners After the penitentiary herein provided for shall have been fully completed only maximum security prisoners shall be detained in such penitentiary The Department of Welfare shall be the sole judge of those convicts who shall be transferred to and detained in the Maximum Security State Penitentiary The Department of Welfare shall have power to retransfer from the Maximum Security State Penitentiary to the penitentiary from which originally transferred any convict who by his or her conduct shall in the opinion of the department no longer require detention in the Maximum Security State Penitentiary Any convict so transferred or retransferred shall serve out the unexpired term of his or her sentence in the penitentiary to which transferred or retransferred in accordance with the laws in force with reference to the punishment of persons convicted of crime and sentenced to a State penitentiary and as though such convict had been duly committed to such penitentiary and had already served there for such time as had been served in the penitentiary from which transferred or retransferred All such transfers and retransfers shall be made only by and under the direction of the Department of Welfare When any such transfer or retransfer is made all records or true and full copies thereof relating to such convicts shall be transmitted from the institution of transfer to the institution of transfer as is provided by law in the case of transfers between the Eastern and Western State Penitentiaries

Section 6 In the management and operation of the Maximum Security State Penitentiary the Department of Welfare shall have all the powers conferred and perform all the duties imposed by the laws of this Commonwealth on the Boards of Trustees of the Eastern and Western State Penitentiaries and all the laws of this Commonwealth relating to the care maintenance management safe-keeping employment pardon and parole of convicts confined in State penitentiaries shall be deemed to apply to convicts detained in such penitentiaries

Section 7 This act shall became effective immediately upon final enactment

The title of the bill was read as follows and agreed to.

An Act providing for the erection construction and eqiupment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its cmopletion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries and conferring powers and imposing duties upon certain State department boards commissions and officers.

And said bill having been read at length the second time and agreed,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to beconsidered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1136, as follows:

An Act to provide for the regulation of the building erection and maintenance of structures in along across over under projecting into or being in streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth providing for permits fees and charges conferring powers and imposing duties upon the Water and Power Resources Board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the effective date of the act it shall be unlawful for any one to build erect or maintain or permit to be built erected or maintained any structure in along across over under projecting into or being in any stream lake or body of water wholly or partly within or forming part of the boundary of this Commonwealth without first obtaining a permit from the Water and Power Resources Board and paying the fees and charges prescribed by the Board as authorized and provided in this act

Section 2 The Water and Power Resources Board is authorized and empowered to adopt rules and regulations to carry out the provisions of this act To provide for the filing of applications for permits The fixing of application and inspection fees and the payment by every person to whom a permit may be issued of a reasonable annual charge or rental for the building erection or maintenance of the structure specified in such application and permit

Section 3 All fees charges and rentals received col-

lected or recovered under this act shall be paid into the State Treasury through the Department of Revenue and credited to the State Forests and Waters Fund

Section 4 It is the Legislative intent that the provisions of this act shall extend to and include all structures herein specified regardless of the date when built or erected and whether or not the same were built or erected by permission express or implied of the Commonwealth or of any authorized agency thereof

It is also the Legislative intent that the provisions of this act are in furtherance of the powers and duties vested and imposed upon the Water and Power Resources Board under any laws now existing or which may hereafter be enacted

Section 5 This act shall become effective immediately upon its final enactment

And said bill having read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. KUNKEL. Mr. President, I ask unanimous consent that Senate Bill No. 1146 (House Bill No. 1055) on second reading entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1162, as follows:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1199) entitled "An act for the acceptance of a site from the University of Pittsburgh and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital providing for the erection construction and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare" providing for the conveyance of said tract to the General State Authority for the construction of said hospital and for the leasing thereof by the Commonwealth after construction

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1199) entitled "An act for the acceptance of a site from the University of Pittsburgh and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital providing for the erection construction and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare" is hereby amended by adding thereto a new section to read as follows

Section 3 In lieu of procedure by the Department of Property and Supplies for obtaining and paying for preliminary surveys plans and estimates for the construction of the said hospital and the improvement of the grounds connected therewith and for the erection and financing of the erection of the same the Secretary of Property and Supplies may convey the tract so acquired in fee to the General State Authority and in such case the Department of Property and Supplies upon the undertaking by the General State Authority of the construction of a building or building for the said hospital may enter into a contract to lease as lessee and upon completion by the authority of such construction shall enter into a lease as lessee of the same for a period of not exceeding thirty (30) years at an annual rental to be fixed and determined by the authority and upon the commencement of the term of the said lease the Department of Property and Supplies shall turn over the said hospital to the Department of Welfare for management and for the care maintenance and treatment of psychiatric patients pursuant to the intent of the act hereby amended

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1167, as follows:

An Act to define and restrict the obligation of persons engaged on connected with or employed by certain newspapers or press associations in testifying as to the source of information procured or obtained by such persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person engaged on connected with or employed by any newspaper or general circulation as defined by the laws of this Commonwealth or any press association for the purpose of gathering procuring compiling editing or publishing news shall be required to disclose the source of any information procured or obtained by such person in any legal proceeding trial or investigation before any court grand jury traverse or petit jury or any officer thereof before the General Assembly or any committee thereof before any commission department or bureau of this Commonwealth or before any county or municipal body officer or committee thereof

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1190, (House Bill No. 1186), entitled:

An Act authorizing school districts to make contracts of group life health and accident insurance for the benefit district defining the status of the school district and pupils of pupils in vocational schools at the expense of the school under existing and future insurance laws and requiring school districts to make certain reports to the Department of Public Instruction

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1192, (House Bill No. 1354), as follows:

An Act to further amend section two thousand two hundred and twenty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of buildings in districts of the first class under certain circumstances and authorizing such school districts to provide for the payment of such additional allowances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand two hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may inconsistent therewith" is hereby further amended to read as follows

Section 2223 The board of public education in each school district of the first class shall annually on the first Monday in January appoint a district superintendent to be designated and known as superintendent of schools and may also at the same time appoint a superintendent of buildings and a superintendent of supplies and shall prescribe their duties and fix their salaries They shall be responsible to the board for the conduct of their respective departments shall make annual reports to the board and shall from time to time submit such plans and suggestions for the improvement of the schools and the school system as they shall deem expedient or as the board of public education may require Provided That the Superintendent of schools may be elected for a term of not more than six years and provided further That when a superintendent of schools in a district of the first class who has been employed in the public schools of the Commonwealth for fifteen or more years is retired from service under the operation of the State School Employes Retirement System the board of the school district may when the said superintendent of schools has previously served as a teacher principal or superintendent of schools in public schools in the United States of America outside the Commonwealth provide for the payment to the said superintendent of schools annually during his said retirement of a sum equal to the difference between his annual retirement allowance based on his service in the public school of the Commonwealth and according to his optional election at the time of retirement and the annual allowance to which he would have been entitled had he been given credit for his period of service as teacher principal or superintendent of schools both outside and within the Commonwealth A superintendent of schools when thus retired may be designated by the board as superintendent emeritus And Provided further that when any person occupying the position of superintendent of buildings in a district of the first class who is under the superannuation retirement age fixed by the statutes governing the State School Employes' Retirement System but who has been employed in the public schools of the Commonwealth continuously for thirty years or more is retired under the operation of that system because of disability the board of the school district may provide for the payment to such superintendent of buildings annually during his said reteirment of a sum equal to the difference between the annual retirement allowance actually paid to him under the said State School Employes' Retirement System according to his optional election at the time of retirement and the annual allowance to which he would have been entitled under said system had he served at the salary paid to him at the date of his retirement until the aforesaid superannuation age and then retired under an election to recive his benefits by way of an undiminished superannuation retirement allowance payable to him throughout life

Section 2 This act shall become effective on the date of its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

The PRESIDENT. An account of a printer's error, Senate bill 1196, House Bill No. 1524, on second reading, entitled:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" by modifying the provisions relating to barber schools and licensing of persons as barbers and the issuing of renewal student or apprentice permits providing additional grounds for suspension and revocation of permits and registrations discontinuing the use of the term "barber college" and prescribing penalties.

Will go over in its order.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1200, (House Bill No. 1693), entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location construction and use of buildins the size of courts and open spaces the density of population and the use of land

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

The first section of the bill was read as follows:

Section 1 Grant of Power For the purpose of promoting health safety morals or the general welfare of townships of the second class the boards of township supervisors of townships of the second class are hereby empowered to regulate and restrict by ordinance the height number of stories and size of buildings and other

structures and percentage of lot that may be occupied the size of yards courts and other open spaces the density of population and the location and use of buildings structures and land for trade industry residence or other purposes and may also establish by ordinance and maintain building lines and set back building lines upon any or all public streets roads highways lanes and alleys Provided however That the power hereby granted shall be suspended in any township or part of a township during any period of time that any zoning ordinance adopted pursuant to law by the county commissioners of the county shall continue to be in effect in such township or part of a township and any ordinance adopted by any township before the adoption of such county ordinance shall likewise be suspended during such period

On the question,

Will the Senate agree to the section?

Mr. EROE. Mr. President, I move to amend sec. 1, page 2, line 17, by inserting after the word "period" the following: "Provided further, That the powers hereby granted shall not be exercised if taxpayers, whose property valuation as assessed for tax purposes within the township shall amount to fifty-one per centum or more of the total property valuation as assessed for tax purposes within the township, shall sign and file in the office of the prothonotary of the county in which the township is located a written protest against the exercise of such powers.

Mr. REED. Mr. President I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second to the ninth sections, inclusive of the bill was read as follows and agreed to.

Section 2 Districts For any or all said purposes the board of township supervisors may divide the township into districts of such number shape and area as may be deemed best suited to carry out the purpose of this act and within such districts it may regulate and restrict the erection construction reconstruction alteration repair or use of buildings structures or land All such regulations shall be uniform for each class or kind of buildings throughout each district but the regulations in one district may differ from those in another district

Section 3 Purpose in View Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the roads and streets to secure safety from fire panic and other dangers to promote health and the general welfare to provide adequate light and air to pervent the overcrowding of land to avoid undue concentration of population to facilitate the adequate provision of transportation water sewerage schools parks and other public requirements Such regulations shall be made with reasonable consideration among other things to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality

Section 4 Method of Procedure The board of township supervisors of such township of the second class shall provide by ordinance the manner in which such regulations and restrictions and the boundaries of such districts shall be determined established and enforced and from time to time amended supplemented or changed However no such regulation restrictions or boundary shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard At least fifteen days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such township

Section 5 Changes Such regulations restrictions and boundaries may from time to time be amended supplemented changed modified or repealed In case however of a protest against such change signed by the owners of twenty per cent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet therefrom or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots such amendment shall not become effective except by the favorable vote of all the township supervisors The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments

Section 6 Zoning Commission In order to avail itself of the powers conferred by this act the board of township supervisors shall appoint a commission of five citizens to be known as the Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report and such council shall not hold its public hearings or take action until it has received the final report of such commission

Section 7 Board of Adjustment Such board of township supervisors may appoint a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this act may provide that said board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained

The board of adjustment shall consist of three members one of whom shall be designated to serve until the first day of January following the adoption of the zoning ordinance one until the first day of the second January thereafter and one until the first day of the third January thereafter Their successors shall be appointed on the expiration of their respective terms to serve three years The members of the board shall be removable for cause by the appointing authority upon written charges and after public hearing Vacancies shall be filled for the unexpired term of any member whose term becomes vacant

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses All meetings of the board shall be open to the public The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and due cause shown

The board of adjustment shall fix a reasonable time for the hearing of the appeal give public notice thereof as well as due notice to the parties in interest and decide

the same within a reasonabe time Upon the hearing any party may appear in person or by agent or by attorney

The Board of Adjustment shall have the following powers

(1) To hear and decide appeals where it is alleged there is error in any order requirement decision or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done

In exercising the above-mentioned powers such board may in conformity with the provisions of this act reverse or affirm wholly or partly or may modify the order requirement decision or determination appealed from and may make such order requirement decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken

Any person or persons jointly or severally aggrieved by any decision of the board of adjustment or any taxpayer or any officer of the township may present to the court of common pleas a petition duly verified setting forth that such decision is illegal in whole or in part specifying the grounds of the illegality Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board

Upon the presentation of such petition the court may allow an appeal directed to the board of adjustment to review such decisions of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney which shall not be less than ten days and may be extended by the court The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may on application on notice to the board and on due cause shown grant a restraining order

The board of adjustment shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified

If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with its findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made The court may reserve or affirm wholly or partly or may modify the decision brought up for review

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from

All issues in any proceedings under this section shall have preference over all other civil actions and proceedings

Section 8 Remedies In case any building or structure is erected constructed reconstructed altered repaired converted or maintained or any building structure or land is used in violation of this act or of any ordinance or other regulation made under authority conferred hereby the proper local authorities of the municipality in addition to other remedies may institute any appropriate action or proceedings to prevent such unlawful erection construction reconstruction alteration repair conversion maintenance or use to restrain correct or abate such violation to prevent the occupancy of said building structure or land or to prevent any illegal act conduct business or use in or about such premises

Section 9 Act Not to Apply to Certain Buildings of Public Service Corporations This act shall not apply to any existing or proposed building or extension thereof used or to be used by public service corporations if upon petition of the corporation the Public Service Commission shall after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience of welfare of the public

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1201, (House Bill No. 1732), entitled:

An Act to amend sections three hundred seventy-one and six hundred seventy section seven hundred thirty-two as amended sections seven hundred thirty-three eight hundred seventy-six and eight hundred ninety-six of and to add section seven hundred thirty-seven to the act approved the second day of May on thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth clesses and revising amending and consolidating the laws relating thereto" further regulating tax levy bond issues appropriations and the procedure for rebuilding bridges in such counties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1203, (House Bill No. 1788), entitled:

An Act to amend section five hundred forty-five of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," as amended providing for the audit of the accounts of justices of the peace.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1207, (House Bill No. 2039), as follows:

An Act to amend section five of the act approved the second day of July one thousand nine hundred and thirty-five (P. L.599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment

prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repeali inconsistent laws" providing for a referendum vote in certain municipalities in the year one thousand nine hundred and thirty-seven and making persons filing petitions liable for the cost of printing ballots

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvanaia in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday proniboting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" is hereby amended to read as follows

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in five years (except as hereinafter otherwise provided be ascertained and the question as provided in section 3 of this act shall be submitted to the electors of any municipality upon demand in writng of petitioners equal to at least five per centum (5%) of the highest vote cast for any candidate in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which motion picture exhibitions are permitted from and after two o'clock postmeridan on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in section four of this act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock postmeridan on Sunday but if a majority of the electors in any such municipality which has not heretofore permitted such motion picture exhibitions after two o'clock postmeridan on Sunday or which has not therefore voted on such question are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in section 4 of this act such exhibitions shall thereafter be lawful

Notwithstanding the limitation of five years for the holding of elections hereinbefore provided to ascertain the will of the electors the queston provided for in this section may be submitted at the primary election in the year on thousand nine hundred and thirty-seven to the electors of any municipality wherein motion pictures are not permitted on Sunday at the time this act becomes effective and motion pictures on Sunday shall be permitted or prohibited in such municipality after the ascertainment of the result of such vote in like manner as if such vote had been taken under the preceding provisions of this section Where a special referendum is so held at the primary election in the year one thousand nine hundred and thirty-seven the person or persons filing any such petition for an election shall be liable for the cost of printing the ballots to be used at any such election which expense shall be paid to the county upon bills rendered by the county commissioners who may require a bond or deposit of money to assure the payment thereof before accepting such petition for filing

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1208, as follows:

An Act to amend sections tewlve and fourteen as amended of the act approved the eighteenth day of July one thousand nine hundred and seventen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therfrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and returned to school service and to persons who have separated from school service because of physical or mental disability

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) enttled "An act establishment a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 867) is hereby further amended to read as follows

Withdrawal

Section 12 Should a contributor by resignation or dismissal or in any other way than by death or retirement separated from the school service or should such contributor legally withdraw from the retirement system he or she shall be paid on demand from the fund created by this act (a) The full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity which shall be the actuarial equivalent of said accumulation deductions His or her membership in the retirement association shall thereupon cease

2 Should an employe so separated from the school service return within five years and restore to the School Employes' Retirement Fund to the credit of the annuity

savings account his or her accumulated deductions as they were at the time of his or her separation the annuity rights forfeited by him or her at that time shall be restored

Each employe who separated from school service prior to the first day of July one thousand nine hundred and twenty-five and who subsequently returned or shall return to school-service prior to July first one thousand nine hundred and [thirty-two] thirty-four after more than five years' absence shall at retirement for superannuation be entitled to have full credit for each year of service in the public schools of Pennsylvania Provided

(a) He or she shall have rendered not less than twenty years of service in the public schools of Pennsylvania prior to the retirement and

(b) He or she shall have restored to the School Employes' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time of his or her separation

Each employe who separates from school service after the first day of July one thousand nine hundred and twenty-five and who returns to school service after a longer absence than five years shall have his or her annuity rights restored in accordance with the provisions of this paragraph provided he or she fulfills the conditions named in paragraphs (a) and (b) of this clause and in addition theret (c) shall have left with the retirement board at least twenty per centum of his or her accumulated deductions at the time of his or her separation and (d) shall return to service prior to the age of fifty-nine years

In no case shall an employe who has separated from school service and who later returned to school service after five or more years of absence be eligible to retirement on account of disability until he or she shall have rendered at least three years of service subsequent to such return

In any case the restoration of the accumulated deductions provided herein may be made by the payment of a lump sum or any actuarial equivalent appoved by the retirement board

Subject to such rules and regulations as the Retirement Board may adopt the provisions of this act shall be applicable beginning July first one thousand nine hundred and twenty-five to all who are on the retired list of Pennsylvania public school employes at the time this bill becomes a law

3 Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board

Section 2 That section fourteen of said act as last amended by the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (Act number 102) is hereby further amended to read as follows

Superannuation Retirement

Section 14 Retirement for superannuation shall be as follows

1 Any contributor who is an employe sixty-two years of age or older may retire for superannuation by filing with the retirement board a written statement duly attested setting forth at what time subsequent to the execution of said application he or she desires to be retired Said application shall retire said contributor at the time so specified or in the discretion of the retirement board at the end of the school term in which the time so specified occurs

2 Each and every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for superannuation forthwith or at the end of the school term in which said age of seventy years is attained

Allowance on Superannuation Retirement

3 On retirement for superannuation a contributor who is an employe shall receive a retirement allowance which shall consist of

(a) A teacher's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of service prior to the age of sixty-two years and

(c) In addition thereto if a present employe a further State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of prior service as certified to said present employe in the certificate issued to him or her by the retirement board under the provisions section ten of this act

4 Any person sixty-two years of age or older who was a classroom teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least twenty years and who separated from school service for any reason prior to the first day of July one thousand nine hundred and nineteen and who was not thereafter engaged in school servise except temporarily for not more than one whole school year or any person who was a class-room teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least [fifteen] fourteen years and who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen and who still is unable to teach because of such disability shall receive a State compensation equal to one-eightieth of his or her final salary for each year of school service but not less than twenty dollars ($20) per month if such former teacher shall agree in writing and hold himself or herself ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teacher when able to examine and report on public school work to visit pupils' homes in the interests of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interests The General Assembly shall from time to time appropriate moneys sufficient to make payments under this subsection Provided That any teacher who is entitled to receive State compensation hereunder and who is receiving a retirement allowance under the provisions of a local teachers' retirement system shall receive from the Commonwealth only the difference between the compensation to which such teacher would otherwise be entitled under the provisions of this subsection and the annual amount received by such teacher from such local teachers' retirement system

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1238, as follows:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That a commission is hereby created which shall consist of three members of the Senate to be appointed by the President Pro Tempore of the Senate and three members of the House of Representatives to be appointed by the Speaker of the House whose duty it shall be to make a thorough study and investigation of the proposal incorporated in Senate Bill No. 632 of the Legislative Session of 1937 to ascertain whether it would be economically feasible to enact such legislation requiring operators of bituminous coal to move all cars to and from the face of the workings or whether its enactment would result in so increasing mining costs as to affect the production of bituminous coal in this Commonwealth and to make report of its findings and recommendations to the General Assembly in the year 1939

Section 2 The commissoin shall organize by electing a chairman vice chairman and secretary The members of the commission shall serve without compensation but shall be reimbursed for all expenses incurred in the performance of their duties The commission shall have power to appoint such assistants as are deemed necessary and to fix their compensation The commission shall have power to sit after the adjournment of the 1937 session of the General Assembly

Section 3 The sum of seven thousand five hundred dollars ($7,500) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the commission for the compensation of the assistants appointed by the commission for supplies postage telephone telegraph and incidental expenses for compiling and printing a report and for all other necessary and proper expenses of the commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1251, as follows:

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number 108) entitled "An act providing for the appointment and filling of vacancies in the office of members of the board of revision of taxes in counties of the first class" by making further provisions relative to the appointment of members of the said board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number 108) entitled "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall hereafter be appointed as follows

One of the two members required to be attorneys-at-law the one member required to be a construction engineer and the one member required to be a real estate appraiser shall be appointed by the county treasurer of the county

One of the two members required to be attorneys-at-law the one member required to be a civil engineer and the one member required to be a real estate broker shall be appointed by the county controller

The one member required to be a business man an accountant or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the board shall be appointed by the county treasurer and the county controller acting jointly

All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled Provided however That should the county treasurer and the county controller fail to appoint such member within ten days of the effective date of this act or within ten days of a vacancy in the office of such member as the case may be such member shall be appointed by the county controller

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. RUTH. Mr. President, at the request of the sponsor, I call up at this time Senate, Bill No. 606, on second reading, postponed.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 606, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for sabbatical leaves of absence for certain employes of school districts

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith is hereby amended by adding thereto after section one thousand two hundred and fifteen a new heading and section to read as follows

Sabbatical Leaves of Absence

Section 1216 (a) Whenever any person employed in the public school system of this Commonwealth shall have completed seven years of satisfactory service as a teacher or in first class school districts as a member of the instructional staff as defined by the local board of education such person shall be entitled to a leave of absence for study or travel or at the discretion of the board of school directors for other purposes for a half or full school term at the option of such person Only one leave of absence shall be allowed for each seven years of service

(b) No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district for a period of not less than one year after such leave of absence

(c) No such leave of absence shall be considered a termination or breach of the contract of employment and the person on leave of absence shall be returned to the same position he or she occupied prior thereto

(d) A substitute employe shall be assigned to fill the vacancy created by such leave of absence Such substitute employe shall receive no more than one-half of the salary theretofore payable to the person on leave of absence The person on leave of absence shall receive the difference between his regular salary and the salary paid the substitute employe

(e) Applications for leaves of absence shall be given preference according to the years of service of the applicant and the date of application in accordance with regulations adopted by board of school directors pursuant to the provisions of this section

(f) No school district shall limit the number of leaves of absence granted in any school year to less than ten per centum of the number of persons eligible for such leave of absence regularly employed in such district Provided however That schools which have a staff of seven

or less teachers shall be permitted at least one leave of absence each year

(g) Every person on leave of absence shall retain the right to make contributions as a member of the Employes' Retirement Association and continue his or her membership therein

(h) Nothing in this section shall be construed to prevent any person on leave of absence from receiving a grant for further study from any institution of learning

On the question,

Will the Senate agree to the section?

Mr. RUTH. Mr. President, I move to amend sec. 1, (Sec. 1216), page 2, line 14, by striking out the word "seven" and inserting in lieu thereof: "ten"

Amend sec 1, (Sec. 1216), page 2, line 18, by inserting after the word "for" the following: "restoration of health"

Amend sec. 1, (Sec. 1216), page 2, line 20, by striking out the word "term" and inserting in lieu thereof: "year"

Amend sec. 1, (Sec. 1216), page 2, line 20, by striking out the word "only" and inserting in lieu thereof: "thereafter"

Amend sec. 1, (Sec. 1216), page 2, line 21, by striking out the word "for" and inserting in lieu thereof: "after"

Amend sec. 1, (Sec. 1216), page 2, line 29, by inserting after the word "position" the following: "or positions in the same school or schools"

Amend sec. 1, (Sec. 1216), page 3, lines 1 to 7 both inclusive by striking out all of said lines, and inserting in lieu thereof: "The person on leave of absence shall receive the difference between his or her regular salary and the salary paid to any substitute employee temporarily engaged because of such leave. The salary paid to such substitute shall be the salary for substitute service according to the salary schedule established by the local board."

Amend sec. 1, (Sec. 1216), page 3, line 9, by inserting after the word "service" the following: "since the previous Sabbatical leave"

Amend sec. 1, (Sec. 1216), page 3, line 10, by striking out the words "the date of application"

Amend sec. 1, (Sec. 1216), page 3, line 11, by inserting after the word "by" the following: "the"

Amend sec. 1, (Sec. 1216), page 3, lines 21 and 22, by striking out the following: "Employes' Retirement Association" and inserting in lieu thereof: "School Employes' Retirement Fund"

Amend sec. 1, (Sec. 1216), page 3, line 26, by inserting after the word "learning" the following:

"(i) A sabbatical leave granted to a regular employee shall also operate as a leave of absence without pay from all other school activities.

(j) Every employe while on sabbatical leave of absence shall be considered to be in regular full-time daily attendance in the position from which the sabbatical leave was taken during the period of said leave for the purpose of determining the employee's length of service and the right to receive increments as provided by law.

(k) A member of the teaching or supervisory staff while on sabbatical leave of absence shall for all purposes be viewed in law as a full-time teacher, supervisor, principal or other full-time member of the teaching and supervisory staff as the case may be and while on sabbatical leave he or she shall enjoy all the rights and privileges of an employee in regular full-time daily attendance in the position from which sabbatical leave of absence was granted and during the period of said leave the Commonwealth shall pay to the school district for each member of the teaching and supervisory staff thereof who is on sabbatical leave of absence the same per centum or share of salary provided for by law as if the employee was in regular daily full-time attendance in the position from which the sabbatical leave of absence was taken and in cases of employees of approved local or joint vocational, industrial vocational, home economics and vocational agricultural schools or departments, who are on sabbatical leave the school district shall be reimbursed as provided by law for each of their full-time salaries just as though such employees were in daily attendance upon their respective duties.

(l) The board of school directors or board of public education shall have the right to make such regulations as they may deem necessary to make sure that employees on leave as provided by this act shall utilize such leave properly for the purpose for which it was granted requiring reports from the employe or employees on leave in such manner as they may deem necessary.

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for certain employes of school districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. EROE. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE from the Committee on Insurance reported as committed, Senate Bill No. 602, entitled:

An Act to amend section six, and sections eleven and eighteen as amended, of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," further regulating the administration of such Fund, the fixing of premiums payable by subscribers; the distribution of unexpended balances to subscribers; the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor.

With the understanding that it shall be recommitted after second reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported from Committees at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 83, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 127, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 166, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 432, entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Susquehanna River between a point on State Street in the City of Harrisburg to a point in Cumberland County; and to provide the necessary approaches and connections with State highways; providing for the acceptance of Federal aid, empowering counties to pay certain damages; providing for the collection of tolls on such bridge and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 514, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 545, entitled:

An Act to amend subsection seven of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, changing the minimum salaries and providing for increments of teachers in school districts of the fourth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 561, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 602, entitled:

An Act to amend section six and sections eleven and eighteen as amended, of the act approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws seven hundred sixty-two) entitled, "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," further regulating the administration of such Fund, the fixing of premiums payable by subscribers; the distribution of unexpended balances to subscribers; the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 641, entitled:

An Act declaring certain rights, grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges; and providing the procedure in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 758, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty-three) entitled, "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insur-

ance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by further requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, and further regulating insurance policies which may be accepted as proof of financial responsibility; imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth; providing for the payment of judgments in installments; prescribing additional penalties; and adding new sections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 917, entitled:

An act to establish as a State highway a certain section of public road in the Counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 958, entitled :

An Act to amend sections, one, two, four, five and seven of the act approved the fifteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws one thousand seventeen) entitled, "An act relating to criminal procedure; providing for the securing of attendance of witneses; from without the State in criminal cases; and making uniform the law in reference thereto," by further regulating the attendance of such witnesses; and limiting the powers with respect thereto to judges learned in the law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 959, entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states; imposing certain duties on magistrates, aldermen and justices of the peace, and the Secretary of the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 960, entitled :

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole; and imposing certain powers and duties on the Governor and the Board of Pardons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 986, entitled:

An Act to amend section one hundred fifty-five of the act approved the thirty-first day of March, one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled, "An act to consolidate, revise and amend the penal laws of this Commonwealth;" extending the provisions to memorials, tablets and works of art erected within buildings or on grounds

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideraton of Senate Bill No. 997, entitled:

An Act to further amend section six hundred and nineteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties, imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by imposing liability on school districts and poor districts in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1091, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1189, (House Bill No. 1184), entitled:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift approximately 7.224 acres of land in Tinicum Township, Delaware County, sometime known as "Printz Park" or as "Printz-Lindberg Park" to be known hereafter as "Governor Printz Park" providing for the control, management, supervision, restoration, improvement and maintenance thereof, authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1197, (House Bill No. 1540), entitled:

An Act to repeal section ten of the act approved the nineteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred fifty-six) entitled, "An act to regulate the sale and delivery of solid fuel as herein defined, providing for appointment of licensed weighmasters, prescribing their powers and duties, authorizing substitute licensed weighmasters, imposing certain duties on the Department of Internal Affairs and providing penalties."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1204, (House Bill No. 1798), entitled:

An Act to repeal clause (c) as amended, and to amend clause (d) of section fifty-eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled, "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates, including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries, the administration and distribution of the estates of presumed decedents, widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate for the lien thereof contracts of decedents for the sale or purchase of real estate legacies, including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation, the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries, investments by fiduciaries, the organization of corporations to carry on the business of decedents, the audit and review of accounts of fiduciaries, refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries the rights, powers and liabilities of nonresident and foreign fiduciaries the appointment, bonds, rights, powers, duties and liabilities of trustees, durante absentia, the recording and registration of decrees, reports and other proceedings and the fees, therefor, appeals in certain cases and also generally dealing wiht the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries, concerned with the estates of decedents," eliminating certain provisions relating to foreign fiduciaries, selling, assigning, transferring and receiving the income from certain assets of decedents, minors and cestui que trusts.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1211, entitled:

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1219, entitled:

An Act to amend sections one, three, eight and ten of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty three (P. L. 858) entitled, "An act establishing a State employes retirement system and creating a retirement board for the administration thereof; establishing certain funds for contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof and the manner of payments therefrom; and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances, returns benefits and rights from taxation and judicial process; and providing penalties," as amended, qualifying members of the General Assembly as members of the state retirement system.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1227, entitled:

An Act to further amend section eleven of the act approved the seventeenth day of February, one thousand nine hundred six (P. L. 45) entitled, "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by eliminating the publication of monthly statements of moneys in the State Treasury.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1231, entitled:

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap, to the City of Harrisburg, for the purpose of impounding water for a water supply; and appropriating the moneys received therefrom to the Department of Military Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1237, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College, subject to certain reservations, the Mont Alto State Forest School and to accept a conveyance from said college of a tree nursery tract.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1260, entitled:

An Act to amend section one thousand four hundred and thirty-six of the act the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled,

"An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, further regulating the compensation to be paid attendance officers and home and school visitors in school districts of the first class.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1174, (House Bill No. 158), entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life and for industrial consumption and recreation, empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution, providing protection of water supply, providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters, imposing certain penalties and repealing certain acts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

Committee on Municipal Government will hold a Public Hearing on Senate Bill No. 1114, regarding the Classification of Boroughs on Tuesday, May 18th, in the Senate Caucus Room at 8:00 p. m.

Committee on Elections will meet on Tuesday, May 18th, in Room 400 at 5:00 p. m.

Committee on Judiciary General will meet on Tuesday, May 18th, in Room 302 at 10:00 a. m.

Committee on Highways will meet on Monday, May 17th, in Room 401 during the first recess.

Committee on Welfare will meet on Monday, May 17th, in Room 200 at 3:30 p. m.

Committee on Military Affairs will meet on Wednesday, May 19th, at 10:00 a. m.

Committee on Appropriations will meet on Tuesday, May 18th, at 9:30 a. m.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:02 p. m. until 9:00 o'clock, Monday evening, May 17th, 1937.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, MAY 17, 1937. No. 59.

SENATE

MONDAY, May 17, 1937.

The Senate met at 9 o'clock p. m.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

Prayer by The Chaplain, Rev. GEORGE WALKER BUCKNER,L.L.D.

Thou art the everlasting God-and there is no God beside Thee! Thou art our Father, ever ready to bless.

In the fleeting days of this session, give us wisdom and courage and strength; minds to consider and to reason with hospitality to truth and right.

May Thy blessing attend our Governor and the circle of his childhood, upon whom the shadow of bereavement has fallen.

We would remember a worthy one from our sister chamber, called to service and responsibility at our nation's capitol.

Upon him who this evening becomes a member of this body, may Thy blessing rest. May his be a happy and fruitful service. In the career of his predecessor may he find inspiration; a challenge in a record without stain, a memory without reproach.

May the transactions of this Assembly conduce to the happiness of our people; and rebound to the glory of our God. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

URGING PASSAGE OF HOUSE BILL NO. 947.

Communication from J. Wm. Morgan, Ex-State Fire Marshall, Howard Frey, M. M. Tawney, urging support in the passage of House Bill No. 947, which provides for placing Gas Shut-off Valves on buildings regulated by the Department of Labor and Industry.

Which was referred to the Committee on State Government.

OPPOSING DENT BILL.

Telegram from Marie Timko, President of Womens Advertising Club of Pittsburgh, Pa., opposing the passage of the Dent Bill which is enforcement of scheduling.

Which was referred to the Committee on Labor and Industry.

DEMANDING PUBLIC HEARING ON HOUSE BILL NO. 1792.

Telegram from Thomas Mabried, Secretary American League Against Wars and Fascism, demanding a Public Hearing on House Bill No. 1792 which practically illegalized a minority party.

Which was referred to the Committee on Elections.

ENDORSING PASSAGE OF HOUSE BILL NO. 158.

Communication from George G. Meade, President of Philadelphia Boosters Association endorsing the passage of House Bill No. 158 being an act to preserve and improve the purity of waters of the Commonwealth and looking to the abatement of the pollution of such waters.

Which was referred to the Committee on Forest and Waters.

FAVORING ENACTMENT OF McGINNIS BILL (SENATE BILL #341)

Petitions from numerous citizens throughout the State of Pennsylvania, favoring the enactment of the McGinnis Bill (Senate Bill #341) to amend the present hard liquor laws of the State.

Which was referred to the Committee on State Boards.

OPPOSING BILL TO ABOLISH THE PRESENT SYSTEM OF POOR RELIEF.

Petitions from numerous citizens of the State of Pennsylvania opposing any bill introduced in the Senate or the House of Representatives which would abolish the present system of general poor relief by elected Poor Director or to curtail or limit their power and duties under existing law.

Which was referred to the Committee on Welfare.

SPECIAL ELECTION FOR SENATOR IN THE EIGHTEENTH SENATORIAL DISTRICT.

The PRESIDENT. As directed by the Constitution and laws of the Commonwealth, a Writ was issued on April 14, 1937, for a special election to be held on May 11, 1937, for Senator of the Eighteenth Senatorial District to fill the vacancy caused by the resignation of the Honorable Warren R. Roberts on April 14, 1937. The writ will be read by the Secretary.

The writ was read as follows:

Commonwealth of Pennsylvania } ss
To the Sheriff of the County of Northampton }

Greetings: Whereas a vacancy exits in the office of Senator of the State of Pennsylvania, for the Eighteenth Senatorial District, composed of the County of Northampton, by reason of the resignation on April fourteenth, one thousand nine hundred and thirty-seven, of Honorable Warren R. Roberts, Senator from said Senatorial District.

Now, therefore, I, Thomas Kennedy, President of the Senate, by virtue of the authority vested in me by the Contitution of the State of Pennsylvania, and by the Act of Assembly, in such case made and provided, do hereby command you: That you cause an election to be held in the said Eighteenth Senatorial District of the State of Pennsylvania, on Tuesday, eleventh day of May, A. D. One thousand nine hundred and thirty-seven, to choose a person to represent said Eighteenth Senatorial District in the Senate of Pennsylvania, for the remainder of the term expiring November thirtieth, One thousand nine hundred and thirty-eight, and that you give due and public notice of said election throughout said Eighteenth Senatorial District in form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this fourteenth day of April, One thousand nine hundred and thirty-seven.

SEAL

THOMAS KENNEDY
President of the Senate

RETURN OF THE SERGEANT-AT-ARMS IN SERVING THE WRIT.

State of Pennsylvania } ss
County of Northampton }

JOHN B. SMITH, being duly sworn according to law, says that he resides at Lattimer Mines, Luzerne County, Pennsylvania, that he is Sergeant-at-Arms of the Senate of Pennsylvania:

That he served on the Honorable E. Abert Boyer High Sheriff of the County of Northampton on April 17. One thousand nine hundred and thirty-seven, at 10:45 o'clock, a. m., at the office of said Sheriff in the City of Easton, Pennsylvania, a special writ of election for the Eighteenth Senatorial District, composed of the County of Northampton, a copy of which is hereto affixed, by command of the Honorable Thomas Kennedy, Lieutenant-Governor of the Commonwealth and President of the Senate.

(s) JOHN B SMITH
Sergeant-at-Arms

Sworn and subscribed to this 17 day of April, 1936. A. D.
ALFRED A. McCABE

PRESENTATION OF RETURNS OF ELECTION OF SENATOR

The Secretary of the Commonwealth being introduced, stated that in compliance with Section 87 of the Act of July 2nd, 1839, entitled: "An Act Relative to Elections in this Commonwealth", he presented to the Senate the returns of the Special Election for Senator held on the 11th day of May, 1937, to fill the vacancy existing in the office of Senator in the General Assembly from the Eighteenth Senatorial District

OPENING OF RETURNS

Mr. RICE. Mr. President I move that the Clerk proceed to open and read the returns presented.

Mr. Law. Mr. President, I second the motion.

The motion was agreed to and the said returns were opened and read as follows:

1937 ELECTION

To the Senate of Pennsylvania

Commonwealth of Pennsylvania } ss:
County of Northampton }

I, A. THURMAN SCHLABACH, Prothonotary of the Court of Common Pleas in and for said County, do hereby certify, that it appears from the Returns of the Special Election, held in said County on Tuesday the eleventh day of May, A. D. 1937, as computed in the presence of the Judges of the said Court by the proper officer and his sworn assistants, and duly certified and filed by said Judges in my office, that the following is the number of votes cast for the several candidates for the office of

SENATOR IN THE GENERAL ASSEMBLY
In the Eighteenth Senatorial District

DEMOCRAT

(Insert Figures)

WILLIAM G. BARTHOLD had Twelve thousand three hundred forty-one votes 12,341.

REPUBLICAN

CHARLES A. P. BARTLETT had Four thousand nine hundred thirty-six votes 4,936.

C. H. LATTA had Seventy-four votes 74.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the said Court to be affixed this 13th day of May, A. D. 193 .

(SEAL)

A. THURMAN SCHLABACH.
Prothonotary.

The PRESIDENT. The Returns of the Special Election show the election of Honorable William G. Barthold, Senator in the Eighteenth Senatorial District. The Chair is informed that the Senator-elect is present, and appoints the Senator from Lehigh, Mr. Rupp, and the Senator from Berks, Mr. Ruth, to escort the Senator-elect to the Bar of the Senate, where the oath will be administered by the Honorable Frank P. McCluskey, Judge of the Court of Common Pleas of Northampton County.

The oath of office was then administered to the Senator-elect.

The PRESIDENT. It is my pleasure to present the Honorable William G. Barthold, Senator-elect from the Eighteenth Senatorial District.

Mr. BARTHOLD. Gentlemen of the Senate of Pennsylvania, it is a pleasure for me to be here. I am very happy to have the opportunity to serve with this splendid body of legislators. I thank you.

THANKING JUDGE FRANK P. McCLUSKEY FOR ADMINISTERING OATH.

Mr. SONES. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES. Offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 17, 1937.

RESOLVED, That the thanks of the Senate are hereby tendered to Honorable Frank P. McCluskey, Judge of the Court of Common Pleas of Northampton County for his services in qualifying the newly elected Senator, Honorable William G. Barthold.

NOMINATION BY THE GOVERNOR

The Secretary of the Governor being introduced presented communications in writing from His Excellency,

the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations:

TRUSTEES WERNERSVILLE STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 17, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Wernersville State Hospital:

Earl K. Witwer, of Elverson, Chester County, to fill a vacancy for the term of four years, and until his successor is qualified.

James Francis Lyman, of Reading, Berks County, vice Miss Katharine A. Hoffman, of Lebanon, whose term expired, for the term of four years and until his successor is qualified.

Howard Snyder, of Leesport, Berks County, vice J. L. Balthaser, of Hamburg, resigned, for the term of four years, and until his successor is qualified.

William Hertz, of Allentown, Lehigh County, vice Mrs. Charlotte S. Butz, of Allentown, whose term expired, for the term of four years and until his successor is qualified.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 17, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Max G. Kumer, Universal, Penn Township.

BLAIR COUNTY

Paul J. Smith, Altoona.

CAMBRIA COUNTY

Marlin B. Stephens, Johnstown.

CLINTON COUNTY

Edward Caskey, Renovo.

DAUPHIN COUNTY

Miss Gladys E. Uhrich, Harrisburg.

FAYETTE COUNTY

Samuel H. Miller, Brownsville.

GREENE COUNTY

Eli Cole, Waynesburg.

LACKAWANNA COUNTY

Robert G. Coglizer, Scranton.
Thomas A. Garvey, Carbondale.

LANCASTER COUNTY

Miss Esther I. McCreary, Lancaster.

MIFFLIN COUNTY

Harry E. Davis, Lewistown.

PHILADELPHIA COUNTY

Louis Biederman, 813 N. Lawrence St., Philadelphia.
Philip Levin, 3636 N. Broad St., Philadelphia.

WASHINGTON COUNTY

Mrs. Margaret Townsend, Washington.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 17, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Clark E. Freas, of Exeter Township, Wyoming County, for appointment as Justice of the Peace in the Township of Exeter, Wyoming County, vice Oliver Serfas, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 17, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Charles L. Fitzpatrick, of Port Clinton, Schuylkill County, for appointment as Justice of the Peace in the Borough of Port Clinton, Schuylkill County, vice F. L. Gately, deceased, until the first Monday of January, 1938.

Thomas Davis, of Beaver, Beaver County, for appointment as Justice of the Peace in the Borough of Beaver, Beaver County, vice David Stewart, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Approval of Senate Bill No. 801

Commonwealth of Pennsylvania,
Governor's Office, May 13, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 801, Printer's No. 417, entitled "An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (P. L. 108) entitled 'An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith transferring the

jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia."

GEORGE H. EARLE.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 140 entitled:

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto a section

House Bill No. 150 entitled:

An Act to amend section three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 831), entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth; prescribing the qualifications, defining the powers and duties, and fixing the compensation of such examiners; providing for the appointment and removal of inspectors of anthracite miner; prescribing their qualifications, and regulating their salaries and term of office; and abolishing the terms of office of the present mine inspectors of the anthracite mines," by defining the term "coal miners."

House Bill No. 645 entitled:

An Act to authorize cities, boroughs, towns, townships, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, boroughs, towns, townships, and counties to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects and the occupants thereof; to authorize certain cities, and counties to make an appropriation for the first year's administrative expenses of housing authorities; and to authorize certain cities, boroughs, towns and counties to pay moneys to housing authorities.

House Bill No. 647 entitled:

An Act to promote public health, morals, safety and welfare by providing for the supervision and encouragment of housing; creating a State Board of Housing, a departmental administrative board within the Department of Health; providing for the organization of the board, the appointment and removal of its members; enumerating it duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise the operations of limited dividend housing companies and housing authorities and their members and employees, commence actions to prevent violations of law and to surcharge members of authorities, supervise rentals charged by limited dividend companies, charge fees for services; providing for the selection and removal of the board employees, providing for appeals from its orders; and making an appropriation.

House Bill No. 1043 entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen), entitled "State Personal Property Tax Act" as amended, by imposing annual taxes for State and county purposes, and, in cities coextensive with counties, for State, city and county purposes; making further provisions for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon; modifying and further defining certain exemptions from said taxes, and concerning the distribution of the proceeds thereof; providing that the existing and future borrowing capacity, and the obligations and security of the outstanding bonds and other securities of the several counties, and cities coextensive with counties, of the Commonwealth, shall not be impaired; and making an appropriation.

House Bill No. 1572 entitled:

An Act to amend sections one, eight, eleven and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1513), entitled "Boiler Regulation Law" extending the provisions of said act to unfired pressure vessels.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

TIME OF NEXT MEETING

Mr. HENNEY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HENNEY offered the following resolution which was twice read considered and agreed to.

In the Senate, May 17, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 24th, at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 24th, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. LANIUS, from the Committee on Welfare, re-reported as amended, Senate Bill No. 833, entitled:

An Act relating to public assistance, providing for and regulating assistance to certain classes of persons, designated and defined as dependent children, aged persons, blind persons and other persons, requiring relief, providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose, authorizing the Department of Public Assistance to cooperate with and to accept and disburse money received from the United States government for assistance to such persons, providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind, old age assistance and the State Emergency Relief Board.

Also, from the Committee on Welfare, reported as amended, Senate Bill No. 1284, (House Bill No. 1755), entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospitalization for subscribers, prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization, conferring powers on the Insurance Department and the Department of Welfare, ex-

empting such corporations from taxation and providing penalties.

Mr. SHAPIRO, from the Committee on Welfare, re-reported as amended, Senate Bill No. 877, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties, providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare.

Mr. CAVALCANTE, from the Committee on Military Affairs, reported as amended Senate Bill No. 1032, (House Bill No. 1567), entitled:

An Act to amend section two, and section nine as amended, of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties;" further regulating the making of payments to representatives of persons who cannot personally receive compensation.

Also, from the Committee on Military Affairs, reported as amended, Senate Bill No. 841, (House Bill No. 1277), entitled:

An Act to amend section one of the act, approved the eighth day of April, one thousand eight hundred and sixty-seven (P. L. 50), entitled "An act to permit disabled soldiers to peddle by procuring a license therefor, without charge," as amended, prohibiting the peddling of labeled flowers of certain veteran's organizations and miniature American flags.

Also, from the Committee on Military Affairs, reported as amended, Senate Bill No. 839, (House Bill No. 1250), entitled:

An Act to prohibit the sale and offer for sale of the labeled artificial flowers of certain veterans organizations except on the days appointed for such purpose.

Also, from the Committee on Military Affairs, reported as amended, Senate Bill No. 687, (House Bill No. 1078), entitled:

An Act to amend clause thirty-four of section two thousand four hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by extending the provisions for appropriations to posts of veterans.

Also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1036, (House Bill No. 1977), entitled:

An Act to amend sections three, seven, eight, fifteen, twenty-four and twenty-eight, sections fourteen, thirty-four and thirty-eight as amended, sections eighteen and sixty-one as amended, sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws 869), entitled "An act providing for the organization, government, discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for the reorganization of the division, changing the designation Staff Corps and Departments to State Staff and Detachment, defining the powers of the division commander, providing for the vacation of commissions upon transfer to the Inactive National Guard, making the period of enlistment and qualifications conform to the National Guard Bureau requirements, defining the duties of the Adjutant General, providing for the elimination of officers or warrant officers by courts of inquiry, changing the basic annual allowance for mounted troops and increasing the minimum allowance, providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains, providing a term of office for staff and warrant officers and eliminating an obsolete reference to five year terms, providing that any sheriff or constable may receive and confine military offenders, providing that any division commander may appoint a general court-martial, providing for the collection of court-martial fines and execution of sentence of court-martial and rescinding obsolete provisions referring to staff officers.

Also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1273, (House Bill No. 52), entitled:

An Act to amend section two of the act approved the eleventh day of May, one thousand nine hundred and twenty-three (Pamphlet Laws two hundred three) entitled, "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged and having an honorable discharge therefrom shall receive credit for the experience and training derived from such service in civil service examinations," by giving such persons certain additional preferences in civil service examinations.

Also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1275, (House Bill No. 525), entitled:

An Act to amend clause A of section three hundred two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws fifteen, 1933-34) entitled as amended, "An act to regulate and restrain the sale, maintenance, possession, transportation, importation, traffic in and use of alcohol and alcoholic and malt or brewed beverages, conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction, other officers of the State government courts and district attorneys, authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of li-

censes subject to local option to sell such beverages for consumption on and off the premises, forbidding importation or bring of such beverages into the State except as herein provided, prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others, making disposition of the receipts from State stores and of fees and imposing penalties," as reenacted and amended, providing further preferences to veterans in civil service examinations.

ALSO, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1274, (House Bill No. 524), entitled:

An Act to amend section nine of the act approved the thirty-first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties," by providing for preferences to veterans in the appointment of such officers, firemen, operators and inspectors.

ALSO, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1168, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled, "An act relating to retirement from the Pennsylvania National Guard," as amended, by the act approved the twelfth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws six hundred eighty-one), by providing that service in excess of thirty-nine years and five months may be counted as more than forty years of service.

ALSO, from the Committee on Military Affairs, reported as amended, Senate Bill No. 1287, (House Bill No. 1780), entitled:

An Act to amend section five and sections sixteen, seventeen and twenty-one as amended of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred and ten) entitled, "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions, establishing a State Athletic Commission, making an appropriation therefor and appropriating moneys, received for monument and memorial purposes and prescribing penalties," by providing for promoters, partnerships and co-promotors, a bond to protect contestants, managers and officials, changing license fees for promoters, boxers, seconds, managers and wrestlers and requiring payments to the Commonwealth for complimentary tickets.

ALSO, from the Committee on Military Affairs, reported as committed, Senate Bill No. 718, (House Bill No. 1080), entitled:

An Act authorizing cities of the first and second class and second class A and incorporated towns to make appropriations to organizations of ex-service men to aid in defraying the expenses of Memorial Day and Armistice Day.

BILLS INTRODUCED

Mr. HUFFMAN read in his place and presented to the Chair Senate Bill No. 1298 entitled:

An Act to amend sections one and two of the act, approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 126), entitled "An act making an appropriation to the Department of Property and Supplies for increasing the capacity of overcrowded State institutions; eliminating fire and other hazards to safety at State institutions; providing for the purchase of safety and other equipment; the erection and construction of new buildings and repairs, alterations, and additions to and replacement of existing buildings and equipment," authorizing the use of said appropriation to remove hazards to health.

Which was committed to the Committee on Appropriations.

ALSO read in his place and presented to the Chair Senate Bill No. 1299 entitled:

An Act making an appropriation to the Department of Property and Supplies for the construction of a sewer at the East Stroudsburg State Teachers College.

Which was committed to the Committee on Appropriations.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 1300 entitled:

An Act to amend section eleven of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examinations, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties;" authorizing the examination of certain persons who presumed they were registered as apprentices.

Which was committed to the Committee on State Boards.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 1301 entitled:

An Act providing for the erection, construction and equipment of armories for the use of the Pennsylvania National Guard; designating the manner of acquiring or setting aside of land for the erection and construction of armories thereon by the General State Authority; authorizing the Commonwealth to lease such armories and their grounds from The General State Authority upon their completion and the Armory Board of the State of Pennsylvania to manage and operate the same; and conferring powers and imposing duties upon certain State departments and boards.

Which was committed to the Committee on State Government.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 1302 entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case, including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge, officer or magistrate, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

Which was committed to the Committee on Judiciary General.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 1303 entitled:

An Act relating to the admissibility of evidence secured by illegal search and seizure.

Which was committed to the Committee on Judiciary General.

Mr. LANIUS read in his place and presented to the Chair Senate Bill No. 1304 entitled:

An Act for the conveyance to the United States of America of title in and to certain lands in the Township of Fairview, County of York, and ceding to the United States jurisdiction over said lands.

Which was committed to the Committee on Federal Relations.

Mr. EROE. read in his place and presented to the Chair Senate Bill No. 1305 entitled:

An Act to add section two hundred and twenty-seven to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith," making school directors ineligible for any other public office or appointment for which compensation is paid.

Which was committed to the Committee on Education.

Also read in his place and presented to the Chair Senate Bill No. 1306 entitled:

An Act to further amend sections six and eight of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen: a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and alter, amend and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," permitting candidates for the office of school director to be a candidate for more than one party nomination.

Which was committed to the Committee on Elections.

Mr. DiSILVESTRO read in his place and presented to the Chair Senate Bill No. 1307 entitled:

An Act to amend section five of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work: by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions, and by repealing all acts and parts of acts inconsistent with the provisions thereof," by exempting theatrical and professional entertainers from the provisions of the act.

Which was committed to the Committee on Labor and Industry.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 1308 entitled:

An Act to amend section four hundred and one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by further regulating depositories of funds of counties of the second class.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair Senate Bill No. 1309 entitled:

An Act to amend section three of the act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013), entitled "An act regulating the issuance of licenses to marry; prohibiting issuance of such licenses to certain persons; regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court," by requiring physicians certificate as to freedom from certain diseases.

Which was committed to the Committee on Public Health.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 1310, entitled:

An Act to amend sections two and four of the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (Act No. 127), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commision to make a report of its findings to the Governor, together with its recommendations, as to such regulatory legislation as may be needfull to correct any abuses and evils connected with such industry, which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation," by authorizing the several Courts of Common Pleas, upon application, to adjudge persons, refusing to comply with subpoenas of the commission in contempt of court; and by increasing the appropriation to the commission.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 1311, entitled:

An Act providing for the erection, construction and equipment of buildings for a new State sanatorium or new buildings at existing sanatoria; designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority; authorizing the Commonwealth to lease such new sanatorium or building or buildings and the grounds connected therewith from The General State Authority upon their completion, and the Department of Health to manage and operate the same; and conferring powers and imposing duties upon certain State departments.

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair Senate Bill No. 1312, entitled:

An Act defining sales of real property in partition and dower proceedings, to be judicial sales; discharging the real property so sold from the lien of certain encumbrances; and providing for their payment out of the proceeds of the sale.

Which was committed to the Committee on Judiciary Government.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 1313, entitled:

An Act to add section five hundred and fifty-three to the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing additional penalties.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 1314, entitled:

An Act to amend sections two hundred fifteen, and two hundred seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws"; by providing for supervision over fire rating bureaus; and prescribing penalties.

Which was committed to the Committee on Insurance.

Messrs. THOMPSON and OWLETT read in their place and presented to the Chair Senate Bill No. 1315, entitled:

An Act requiring collectors of city, county, borough, town, township, school, and poor district taxes to file certain reports with the Quarter Sessions Court and the Department of Internal Affairs; directing such Department to prepare and furnish forms for such reports; making such reports available for public inspection; requiring all payments to such collectors for compensation and expenses to be by warrant or order; prohibiting such collectors from deducting their compensation and expenses from public funds in their possession; and making vilolation of the act a misdemeanor.

Which was committed to the Committee on State Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1316, entitled:

An Act to add sections two three and four to the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 130) entitled "An act to provide civil rights for all people regardless of race or color" as amended further amplifying and extending the provisions of said act and providing for the payment of penalties to the person or persons aggrieved and providing for the revocation or cancellation of license to do business in this Commonwealth.

Which was committed to the Committee on Law and Order.

Also read in his place and presented to the Chair Senate Bill No. 1317, entitled:

An Act to amend section two of the act approved the seventh day of July, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act to provide for the public sale by cities of the first class of tax anticipation certificates representing registered delinquent taxes, and authorizing the appropriation for current or other purposes funds realized or estimated to be collectible from the sale thereof," by limiting appropriations to amounts realized by the sale of such certificates.

Which was committed to the Committee on City Government.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 1318, entitled:

An Act to amend section seventy-five of the act, approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," as amended; providing for the rendition by the jury of a separate verdict; fixing the guilt of defendants of first degree murder, and the penalty to be imposed in such cases.

Which was committed to the Committee on Judiciary General.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, on April 27th the Senate passed unanimously the following resolution: "Resolved, That the State Emergency Relief Board shall furnish to the Senate, not later than May 15th, 1937, a detailed statement showing the names and addresses of and the compensation paid to all the employees of said Board as of January 1st, 1937, and as of April, 1937."

I would like to inquire whether that list has been furnished to the Secretary of the Senate?

Mr. HUFFMAN. Mr. President, I would like to inform the Senator form Tioga, Mr. Owlett, that the report is ready and will be submitted to-morrow morning.

Mr. OWLETT. Mr. President, I would like to ask whether copies of that report will be available to the members of the Senate before the bills are acted on?

Mr. HUFFMAN. Mr. President, presented to-morrow morning.

Mr. OWLETT. Mr. President, may I reiterate my question whether there will be copies of this report, which was due on the 15th, in the hands of every member of the Senate?

The PRESIDENT. That depends upon the action of the Senate. The Chair is advised that the report is rather voluminous. The report will be presented to the Senate to-morrow.

RESOLUTION REQUESTING THE DEPARTMENT OF BANKING TO INVESTIGATE AND TAKE REMEDIAL ACTION RELATIVE TO PRACTICE OF VARIOUS INSTITUTIONS IN REFERENCE TO DEMANDS MADE UPON BORROWERS.

Mr. LAW. Mr. President, before proceeding to the consideration of the Calendar, I ask unanimous consent to present a resolution, and to make a statement in presenting it to the Senate.

The PRESIDENT. The Chair hears no objection, when we reach that order, but the Chair hopes that the Senators will respond when the order of resolutions is called for.

Mr. LAW. Mr. President, I may state that it has come to my attention that much of the benefit of the abatement of taxes and municipal liens is being lost, at least the psychological effect of it, through certain banking interests and others, who insist upon full payment of all taxes regardless of the fact that there may be privilege of abatement; in many cases people are being worried by the banking institutions unnecessarily, as statements are being made that certain actions are being taken because of the regulations of the banking department. For that reason, and in order that such cases may be thoroughly investigated for the benefit of the people of Pennsylvania.

In the Senate, May 17, 1937.

Whereas, in the course of supervision and examination of banking institutions by the Department of Banking of the Commonewalth of Pennsylvania recommendations are made and instructions given by said Department of Banking to given institutions for the correction of matters of management policy and status of assets, and

Whereas, in the case of correction of the status of assets there is involved loans or mortgage upon which interest is in default, or other conditions which have not been met by the borrowers, and

Whereas, failure or neglect of said banking institutions to require the borrowers to meet the conditions of the contract entered into may be prejudicial to the financial condition of the institution and not for the best interest of the depositors, creditors and shareholders, and

Whereas, for the most part of the recommendation and the instructions of the Department of Banking are made only when the institution itself has failed or neglected to initiate the corrective steps, and

Whereas, it is reported that many banking institutions in business relations with borrowers and other customers endeavor to make it appear that the corrections insisted upon are demanded by the Department of Banking and not necessarily by the institution itself, and

Whereas, such non-acceptance of responsibility by the institutions is not conducive to the best management of the institution nor to the best interests of the public; now, therefore, be it

Resolved, (if the House of Representatives concur), that the Department of Banking of the Commonwealth of Pennsylvania be and is hereby directed to investigate the practice of institutions under its supervision to place all responsibility upon the Department of Banking for any demands made upon borrowers and other customers to determine whether or not it is advisable that any remedial action be taken by the General Assembly, and be it further

Resolved, that a full report of such investigation, together with such recommendations of the Department of Banking to be made at the next regular session of the General Assembly.

Be it Resolved, that a copy of this resolution be transmitted to the Department of Banking by the Chief Clerk of the Senate.

Mr. LAW. Mr. President, I ask unanimous consent that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. HUFFMAN. Mr. President, I ask that it be sent to Committee.

The PRESIDENT. The Chair hears objection. The resolution is referred to the Committee on Banking.

COMMITTEE ASSIGNMENTS

The PRESIDENT. The President Pro-Tempore announces the appointment of the Senator from Northampton, Mr. Barthold, as a member of the following committees:

Highways, Appropriations, Banking, Education, Finance, Insurance, Judiciary Special, Public Health, and State Government.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL NO. 639

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 639, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

and has appointed Messrs. Yourishin, Brown and Stackpole a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 228 AND APPOINTS COMMITTEE OF CONFERERNCE

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 228 entitled:

An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores as herein defined; pre-

the method and manner of collecting such tax and its disposition; and providing penalties.

and has appointed Messrs. Patterson, Coleman and Weidemann, a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

Mr. LAW. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives, already appointed, to consider the differences existing between the two Houses in relation to said bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 64, as follows:

An Act to establish a separate orphans' court in and for the County of Dauphin

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

Section 1 That in the County of Dauphin a separate orphans' court be and is hereby established the name and style of which shall be the Orphans' Court of Dauphin County which court shall be a court of record and shall consist of one judge learned in the law

Section 2 At the first municipal election which shall occur after the passage of this act a judge of the said court shall be elected and duly commissioned to hold office from the first Monday of January next succeeding such election for the same term and in the same manner as the judges of the court of common pleas of the county The annual salary of the said judge shall be the same as is paid to the judges of the court of common pleas of the said county and shall be paid in the same manner as the salaries of said judges of the court of common pleas are now or may be hereafter made by law payable

Section 3 The terms of the said orphans' court shall be established by the judge thereof as he shall deem necessary and proper

Section 4 The said court shall have and exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts of this Commonwealth under and by virtue of the laws thereof

Section 5 The commissioners of the said county shall provide proper and suitable rooms in which the said orphans' court shall be held and its business transacted and in which the records thereof shall be safely and securely kept

Section 6 The Governor is hereby authorized to appoint one competent person learned in the law as such Orphans' Court Judge for the said Dauphin County to serve until the first Monday in January succeeding the next municipal election

Section 7 This act shall become effective immediately upon final enactment

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barthold,	Henney,	Law,	Rodgers,
Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,

NAYS—18

Bean,	Gelder,	Mallery,	Scarlett,
Buckman,	Haluska,	Owlett,	Sordoni,
Chapman,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Salus,	Woodward,
Ealy,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 65, as follows:

An Act to amend section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the county of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the Same That the Court of Common Pleas of the county of Dauphin and the judges of the Orphans' Court of Dauphin County [is] are hereby clothed with jurisdiction throughout the state for the purpose of hearing and determining all suits claims and demands whatever at law and in equity in the Court of Common Pleas of said county in which the [commonwealth] Commonwealth may be the party plaintiff for accounts unpaid balances unpaid liens taxes penalties and all other causes of action real personal and mixed

Section 2 This act shall become effective immediately upon its final enactment

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barthold,	Henney,	Law,	Rodgers,
Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	

NAYS—18

Bean,	Gelder,	Mallery,	Scarlett,
Buckman,	Haluska	Owlett,	Sordoni,
Chapman,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Salus,	Woodward,
Ealy,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. PYTKO. Mr. President, I ask unanimous consent that Senate Bill No. 749, entitled:

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance prohibiting any provision by which a policy of life insurance would take effect before the original application was made

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 814, as follows:

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" empowering the Insurance Commissioner to make periodical examination of such societies and requiring such societies to furnish the Insurance Commissioner with any information he may desire providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violation of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report and be supervised by the Insurance Commissioner and repealing existing laws" be amended to read as follows

Section 19 Examination The Insurance Commissioner or any person or persons he may appoint shall have the power of visitation and examination into the affairs of every domestic society He may employ such additional assistance from time to time as he may deem necessary or expedient for the purpose of such examination and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers and employes or other persons in relation to the affairs transactions and conditions of the society Such examinations shall be made every three (3) years or oftener as he deems it to be necessary

Whenever after examination the Insurance Commissioner is satisfied that any domestic society is exceeding its powers or is transacting business fraudulently or is in such condition that its further transaction of business will be hazardous to its members or to the public or shall determine to discontinue business the Insurance Commissioner may present the facts relating thereto to the Attorney General who shall if he deem the circumstances warrant proceed against such society in the method prescribed by the laws of this State providing for the liquidation of insolvent or delinquent companies orders or associations transacting any class of insurance

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced No application for injunction against or proceedings for the dissolution of or appointment of a receiver for any domestic society or branch thereof shall be entertained by any court of this Commonwealth unless the same is made by the Attorney General

Section 24 Examination of Foreign Societies The Insurance Commissioner or his deputy or examiner or any person or persons whom he may appoint [may] shall examine [any] every foreign society transacting [or applying for admission to transact] business in this Commonwealth Such examinations shall be made every three years or oftener if he deems it to be necessary He shall also require an examination to be made of every foreign society applying for admission to transact business in this Commonwealth The said Insurance Commissioner may employ assistants and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society He may summon and qualify as witness under oath and examine its officers agents and employes and other persons in relation to the affairs transactions and condition of the society He may in his discretion accept in lieu of such examination the examination of the Insurance Department of the state territory district province or country where such society is organized The actual expense of the examiners making any such examination shall be paid by the society upon statement furnished by the Insurance Commissioner

If any society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto the authority of such society to write new business in this Commonwealth shall be suspended or license refused until satisfactory evidence is furnished the Insurance Commissioner relating to the condition and af-

fairs of the society and during such suspension the society shall not write new business in this Commonwealth

Section 28 Annual Statement Every society transacting business under this act shall annually on or before the first day of March file with the Insurance Commissioner in such form as he may require a statement under oath of its president and secretary or corresponding officers of its transactions for the calendar year ending December thirty-first preceding and of its condition and standing on that date and shall include therein all accrued liability under unpaid claims [where notice was received by the society at its home office before the end of such calendar year No society shall be required to include in such report any claim or claims notice of which had not been received by the society at its home office before the end of such year] It shall also within thirty days after requested by the Insurance Commissioner render such additional statement or statements concerning its affairs and financial condition as the Insurance Commissioner may in his discretion require [furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working The commissioner may at other times require any further statement he may deem necessary to be made relating to such society]

Any such society which neglects to make and file its annual statement or other statements that may be required in the form or within the time herein provided shall forfeit one hundred dollars ($100) for each day during which such neglect continues and upon notice by the Insurance Commissioner its authority to do new business shall cease while such default continues

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution ,and were as follows, viz:

YEAS—49

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Howell,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Sordoni,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS POSTPONED

Mr. RUTH. Mr. President, I call up at this time Senate Bill No. 638 concurrence in house amendments postponed, on page two of the calendar.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 638, as follows:

An Act to further amend section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the second and third paragraphs of section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" as last amended by section four of the act approved on the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 634) are hereby further amended to read as follows

Section 4 The Commonwealth in order to encourage the establishment and maintenance of approved consolidated elementary schools or approved consolidated junior high schools or approved joint consolidated schools shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining or transporting pupils to and from such schools an amount determined by (a) the true valuation per teacher per district as provided by law and (b) a given per centum of the sum which has been expended during the previous school year by such a school district or union of school districts for transporting pupils of said schools to and from said schools as follows

The amount paid by the Commonwealth to a school district which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five (75%) per centum more than fifty thousand dollars ($50,000) to one hundred thousand dollars ($100,000) sixty (60%) per centum and more than one hundred thousand dollars ($100,000) fifty (50%) per centum After the first day of July one thousand nine hundred and thirty-nine if the Department of Public Instruction approves the transportation as to methods and means and the contracts provided therefor the Commonwealth will pay annually to the school district furnishing such transportation according to the following schedule of reimbursement to a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less ninety per centum (90%) more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) eighty per centum (80%) more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000) seventy-five per centum (75%) more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) 'seventy per centum (70%) more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars ($150,000) sixty-five per centum (65%) more than one hundred fifty thousand dollars ($150,000) but Provided That in case any of said school district or union of said school districts has purchased or shall hereafter purchase an approved conveyance which is used exclusively for the transportation of school children to and from said schools said sum may include a reasonable charge for depreciation and repairs not to exceed in any year fifteen (15%) per centum of the cost of said approved school conveyance Provided That the State's share of depreciation and repairs shall not exceed two hundred dollars ($200) [one hundred dollars ($100)] per vehicle per year Provided further That the State's share for transportation shall not exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school Provided further That districts receiving reimbursement on the basis of seventy-five (75%) per centum and sixty (60%) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursement on the basis of fifty (50%) per centum shall not receive

more than three thousand dollars ($3,000) in any one year from the State for transportation

After the first day of July one thousand nine hundred and thirty-nine the provision heretofore limiting reimbursement for transportation to a maximum of four thousand dollars ($4,000) in districts reimbursed on the basis of seventy-five per centum (75%) and sixty per centum (60%) and three thousand dollars ($3,000) in districts reimbursed on the basis of fifty per centum (50%) shall no longer apply but no district shall receive from the Commonwealth in any one year more than eight thousand dollars ($8,000) as reimbursement for transportation

The State Council of Education may for cause specified by it direct the withholding of such reimbursement in any given case permanently or until the school district has complied with the law or regulations of the State Council of Education

It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district or for any member of or board of school directors to demand request or accept any compensation for transporting pupils other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction

Section 2 Except as hereinbefore otherwise provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. RUTH. Mr. President, I ask that the Senate do not concur; because of a serious printer's error the bill should be sent back to the House.

And the question recurring,

Will the Senate concur in the same?

YEAS—0

NAYS—49

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Howell,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Sordoni,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 199, as follows:

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases and the exemption for the canning industry imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for the violations thereof by defining the procedure in prosections and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable [Provided That this act shall not apply to work in private homes and farming]

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation [and municipality] Commonwealth and any political subdivision thereof

The term "week" when used in this act shall mean any seven consecutive days and the term "day " shall mean any twenty-four consecutive hours

Section 2 That section three of said act as amended by the act approved the first day of June one thousand nine hundred fifteen (P. L. 709) is hereby further amended to read as follows

Section 3 (a) [No] Except as hereinafter provided no female shall be employed or permitted to work in or in connection with any establishment for more than [six] five and one-half days in any one week or more than [fifty-four] forty-four hours in any one week or more than [ten] eight hours in any one day If the work during any one day is not continuous but is divided into two or more periods all such periods shall fall within fourteen consecutive hours Provided that at Christmas inventory and at other peak times for a period not to exceed two weeks in the first six months of the calendar year and not to exceed two weeks in the second six months females over eighteen years of age may be permitted to work not more than six days and not more than fifty hours in the weeks so selected but not to exceed ten hours in any one day of such weeks under regulations adopted by the Department for such work and in all such cases the same peak periods shall cover all departments of the establishment and further provided that female telephone and telegraph operators may in cases of emergency which would result in interruption or impairment of services to the public be employed in excess of the hours herein stipulated and further Provided that females engaged in the canning and packing of perishable fruits and vegetables and females other than nurses

in hospitals incorporated under the non-profit act of this Commonwealth may be employed or permitted to work not more than six days in any one week or not more than fifty-four hours in any one week or not more than ten hours in any one day except that the maximum daily hours of work of female hospital employes as herein defined shall not exceed nine And provided further That one full day of rest in seven may be subdivided into two days of twelve hours each for women employes in hotels charitable educational and religious institutions at the discretion of the Industrial Board of the Department of Labor and Industry [Provided That during weeks in which a legal holiday occurs and is observed by an establishment and female may be employed by such establishment during three days of such week for a longer period of time than is allowed by this act but no female shall be permitted to work more than two hours overtime during] [any one of such three days nor more than the maximum hours per week specified in this act

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the Commissioner of Labor and Industry but no female shall be permitted to work more than two hours overtime during any one day nor more than the maximum number of hours per week specified in this act Provided That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products And provided further That the one day of holiday in seven may be subdivided into two days of twelve hours each for women employes in hotels boarding houses and in charitable educational and religious institutions at the discretion of the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to effect or impair the remaining provisions if this section]

(b) Whenever any female shall be employed or permitted to work in or in connection with more than one establishment in any one week or in any one day the aggregate number of hours during which she shall be employed or permitted to work in or in connection with such establishments shall not exceed [the number of hours prescribed in this section for such females] forty-four in any one week or eight in any one day

(c) Nothing in this section or any other provisions of this act shall apply to the employment of females in agricultural field occupations or in domestic service in private homes nor shall any provision of this act which relates to the regulation of hours of employment [The provisions of this section shall not] apply to the work of nurses in hospitals or to the work of females over twenty-one years of age earning at least twenty-five dollars a week in executive positions professions or as court stenographers

(d) It shall be unlawful for any female to be employed or permitted to work in any occupation dangerous to life or limb or injurious to the health or morals as such occupation shall from time to time be determined and declared by the Industrial Board

Section 3 That section six of said act be and the same is hereby repealed

Section 4 That section seven of said act is hereby amended to read as follows

Section 7 No female shall be employed or permitted to work for more than [six] six hours continuously in or in connection with any establishment without [an interval of at least forty-five minutes] a meal or rest period of at least thirty minutes which period shall not be considered a part of the hours of labor and no period of less than [forty-five] thirty minutes shall be deemed to interrupt a continuous period of work [Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment for less than eight hours in any one day the interval between work periods may be reduced to not less than thirty minutes]

Employees shall not be required to remain in the workrooms during the meal or rest periods required by this section

Section 5 That section thirteen of said act is hereby amended to read as follows

Section 13 Every person employing or permitting any female to work in any establishment shall keep posted in a conspicuous place in the room where such female shall be employed or permitted to work a printed abstract of the provisions of this act and a schedule of the hours of labor of such female Provided That when any female shall be employed or permitted to work in more than one room in any establishment the aforesaid abstract and schedule shall be required in only one of the said rooms If any female shall be employed or permitted to work in connection with any establishment but not in such establishment the aforesaid abstract and schedule shall be kept posted in a conspicuous place in the office of such establishment

The schedule of hours of labor herein required shall contain [the name of the female employed or permitted to work the] maximum number of hours [such] each female shall be required or permitted to work on each day of the week with the total for the week the hours of commencing and stopping work and the hours when the time allowed for [meals] meal or rest periods shall begin and end for each day of the week If more than one schedule of hours is in operation in or in connection with any establishment the posted schedule shall also contain the names of the female employes working on the different shifts and shall clearly indicate the hours required of each female or group of females [Such female] females may begin work after the time for beginning and stop before the time for ending work stated in each schedule but [she] no female shall [not] otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule

The [Commissioner] Department of Labor and Industry shall prepare the abstract of the provisions of this act and a form for the schedule of hours of labor required by this section Copies of such abstract and such form shall be printed in accordance with the laws of this Commonwealth regulating printing and publishing [under the supervision of the Superintendent of Public Printing and Binding] and the [Commissioner] Department of Labor and Industry shall supply the same upon application to all persons required to post the abstract and schedule aforesaid Said schedule shall remain the property of the Department of Labor and Industry

Section 6 That section seventeen of said act as amended by the act approved the eighteenth day of April one thousand nine hundred twenty-nine (P. L. 617) is hereby further amended to read as follows

Section 17 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace [who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days] and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

Section 7 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. GELDER. Mr. President, if it is the intention of those who are sponsoring this bill to force the women out of business, the measure is admirably calculated to aid such a purpose. It certainly puts a handicap on the women in very many desirable businesses today, and the large number of exceptions placed in the bill protect certain interests, as is evidenced, and it is not in the interest of the feminine part of the population. We have received no requests from the women of the Commonwealth of Pennsylvania for this Legislation, but we have been urged by many women to vote against it. It certainly is not in their interest. We are trying to do in this legislation what the men have done by trade Union Regulations. You are going to see the women going home for sometime, and see the men put in their places and paid time and a half, until the time comes when the employer decides, because he cannot have the assistance of these workers when they are necessary, he is going to replace them by men. As I said, if this is the intention of the bill, if it is going to force women out of industry if this bill should pass, but if it is a bargaining measure, I think it falls short of the mark.

Mr. DENT. Mr. President, I do not intend to take the time to make a lengthy speech on the merits of this bill. However, I have gone all over the western part of this State and argued the merits of the bill before many groups of women. I find particular employers who are interested in the measure and most of them admitted that we needed such legislation. The only thing that they asked us is that their groups be exempted. They were satisfied to see the bill put up on all other industrial groups, or service groups just so they took their group out of it.

Now, in the Senate committee on Labor and Industry we tried to make this a workable piece of legislation, designed to protect the welfare and health of our female employees in the State. Many states have more drastic legislation designed for the same purpose, and I feel and honestly feel, that this is a great step forward, and perhaps at a later date, we may move a few inches ahead in other pieces of legislation along the same lines, and at this time I believe that it is the duty, we owe to every women in this State that the Senate vote for this piece of legislation.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Henney,	McCreesh,	Rupp,
Cavalcante,	Huffman,	McGinnis,	Ruth,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Rodgers,	Woodward,
Haluska,	Law,		

NAYS—16

Bean,	Ealy,	Howell,	Salus,
Buckman,	Gelder,	Mallery,	Scarlett,
Chapman,	Heyburn,	Owlett,	Sordoni,
Deitrick,	Homsher,	Pierson,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 406, as follows:

An Act making an appropriation to the Local Government Commission to continue its work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Local Government Commission created by the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws 244) entitled "An act creating a Local Government Commission to study and report on functions of local government their allocations and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation" for the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven to continue the work of said commission and for the payment of the expenses of the members of said commission for the compensation and expenses of the secretary and other appointees of the commission for printing for postage supplies telephone telegraph and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of said act

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Ruth,
Buckman,	Henney,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Chapman,	Homsher,	Mundy,	Shapiro,
Dando,	Howell,	Owlett,	Sipe,
Deitrick,	Huffman,	Pierson,	Sones,
Dent,	Jacobs,	Pytko,	Sordoni,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 776, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain

administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions eliminating the office of business manager in Sta. institutions under the Department of Welfare authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects making further provision for bid performance bonds of bidders for State contracts extending the scope of the work of the State Park Commission further regulating purchases made directly by departments boards and commissions requiring counties to pay compensation and expenses of special attorneys in criminal cases authorizing the Governor to grant commissions to State pilots providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth providing for the promulgation of rules and regulations by and enlarging the powers of the Department of Forests and Waters and the Water and Power Resources Board further regulating the maximum price that may be paid for land acquired for State forestry purposes prescribing the membership and powers and duties of the State Park Commission creating and prescribing the powers and duties of Regional State Park Boards eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor the Pennsylvania Game Commission eliminating the Public Service Commission of the Commonwealth of Pennsylvania and extending the provisions of the Code to its successor the Pennsylvania Public Utility Commission transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue and the State Board of Undertakers from the Department of Public Instruction to the Department of Health eliminating the State Aeronautics Commission the Pennsylvania Alcohol Permit Board and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives and the Anatomical Board and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 201 202 203 210 221 222 301 303 401 427 31 448 507 508 511 522 701 709 712 906 907 1402 1802 1804 1806 2110 2304 2307 2311 2312 2315 2318 2319 2402 2403 2404 2405 2406 2407 2408 2409 and 2414 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers College abolishing creating reorganizing or authorizing the reorganization of certain administrative departments board and commissions defining the powers and duties of the Governor and other executive and adcinistrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commisions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretray of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies and Department of Revenue and by the following independent administratvie boards and commissions [Board of Game Commissioners] Pennsylvania Game Commission Board of Fish Commissioners and the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State
State Employes' Retirement Board
In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
In the Department of Internal Affairs
Board of Property
[State Aeronautics Commission]
In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College

Board of Trustees of Kutztown State Teachers College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Tustees of Slippey Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
[State Board of Undertakers]
State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailers' Home
[State Athletic Commission]
In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Product Show Commission
In the Department of Forests and Waters
Water and Power Rescources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
[Anatomical Board]
State Board of Undertakers
In the Department of Labor and Industry
Workmen's Compensation Board
Workman's Compensation Referees
State Workmen's Insurance Board
In the Department of Welfare
State Council for the Blind
[Pennsylvania Alcohol Permit Board]
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Fairview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg States Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution for Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics
In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Revnue
State Athletic Commission

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 203 Advisory Boards and Commissions The following advisory boards and commissions are placed in and made parts of the respective administrative departments as follows

In the Department of Military Affairs
State Military Reservation Commission
State Veterans Commission
In the Department of Forests and Waters
State Forest Commission
State Parks Commission
Bushy Run Battlefield Commission
Regional State Park Boards
In the Department of Health
Advisory Health Board
In the Department of Labor and Industry
Industrial Board
In the Department of Welfare
State Welfare Commission
In the Department of Property and Supplies
General Galusha Pennypacker Monument Commission

Section 210 Compensation of Members of Administrative Boards and Commissions (a) Annual salaries shall be payable in equal semi-monthly installments as follows

To the Commissioner of Fisheries six thousand dollars

To the Chairman of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission ten thousand five hundred dollars as provided by law

To the members of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission other than the chairman each ten thousand dollars as provided by law

(b) The members of the [Board of Game Commissioners] Pennsylvania Game Commission and of the Board of Fish Commissioners other than the Commissioner of Fisheries shall not receive any compensation

(c) Except as in this act otherwise provided the members of departmental administrative boards and commissions and of advisory boards and commissions shall serve without compensation

Section 221 Office Hours All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day except Saturdays Sundays and legal holidays [On Saturdays when

not legal holidays such offices shall be open for business for at least three hours] The hours when such offices shall open and close shall from time to time be determined by the Executive Board

Section 222 Work-Hours and Vacations Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than [thirty-eight] thirty-five hours per week Such employe shall be entitled during each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days in any one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commission be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employes of departments or of independent administrative boards or commissions and in the case of employes of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the granted leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual leave of absence with pay shall be exclusive of Saturdays Sundays and legal holidays

Section 301 [Board of Game Commissioners The Board of Game Commissioners shall consist of eight competent citizens of this Commonwealth no two of whom shall be from the same senatorial district The board shall annually elect a president and a vice-president from among its members It shall also appoint to serve at its pleasure and with the approval of the Governor fix the compensation of an executive secretary who need not be a member of the board and who shall attend to the administrative work of the board

Five members of the board shall constitute a quorum

Members of the board shall be appointed to serve for terms of six years] Pennsylvania Game Commission The Pennsylvania Game Commission shall consist of eight competent citizens of this Commonwealth who shall be so appointed that they shall fairly represent the several geographical sections of the Commonwealth and shall be well informed on the subject of wild life conservation and restoration The commission shall annually elect a president and a vice-president from among its members It shall also appoint to serve at its pleasure and with the approval of the Governor fix the compensation of an executive director who shall attend to the administrative work of the commission No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for appointment as executive directors

Five members of the commission shall constitute a quorum

The members of the Board of Game Commissioners in office on the effective date of this act shall constitute the Pennsylvania Game Commission and shall hold their offices as members of the Pennsylvania Game Commissions until their successors are appointed as provided by law The original members of the commission shall be appointed for such terms as are prescribed by law and subsequent appointments of commissioners shall be for terms of eight years and shall be staggered as provided by law

Section 303 [The Public Service Commission of the Commonwealth of Pennsylvania The Public Service Commission of the Commonwealth of Pennsylvania shall consist of seven members who shall have the qualifications and be appointed as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office When present the chairman shall preside at all meetings but in his absence the member who has served on the Commission for the longest period of time shall preside and shall exercise for the time being all of the powers of the chairman In addition to the authority now conferred by law the chairman shall have power as often as he may deem the work of the commission requires (a) to designate the time and place for the conducting of investigations inquiries and hearings (b) to assign cases to a commissioner or commissioners for hearing investigation inquiry study or other similar purpose (c) to assign cases to special agents or examiners for the taking and receiving of evidence and (d) to direct and designate officers and employes of the commission to make investigations inspections inquiries studies and other like assignments for report to the commission

The commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine He shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall possess for the time so designated the powers of the secretary of the commission

The terms of the members of the commission shall be ten years

The offices of counsel of marshall and of investigator of accidents as they exist under The Public Service Company Law are hereby retained appointments thereto to be made as now provided by law The compensation of counsel marshal and investigator of accidents shall be fixed by the commission with the approval of the Governor] Pennsylvania Public Utility Commission The Pennsylvania Public Utility Commission shall consist of five members who shall have the qualifications and be appointed in the manner and for such terms as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office

The commission may appoint a secretary to hold office at its pleasure as now provided by law

Section 401 Boards of Trustees of State Institutions The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four years and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person This section shall apply to

Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldier's Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College

Board of Trustees of Lock Haven State Teachers College
Board of Trusteees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Slippery Rock State Teachers'
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Penhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution of Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics

Section 427 State Athletic Commission The State Athletic Commission shall consist of three members who shall be appointed for terms of two years and the [Adjutant General] Secretary of Revenue ex officio

Each member of the commission execpt the [Adjutant General] Secretary of Revenue shall receive a salary of five thousand dollars per annum

Two members of the commission shall constitute a quorum and the concurrence of at least two members of the commission shall be necessary to render valid any action by the commission

The commission may appoint such member of deputies as shall be approved by the Executive Board whose compensation shall be fixed by the commission with the approval of the Governor

The commission may with the approval of the [Adjutant General] Secretary of Revenue appoint a secretary who shall receive a salary to be fixed by the commission with the approval of the Governor

Section 431 Water and Power Resources Board The Water and Power Resources Board shall consist of five members four of whom shall be the Secretary of Forests and Waters the Secretary of Health the Commissioner of Fisheries and a member of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission to be designated by the Governor The fifth member shall be an engineer and shall receive [compensation for his services at such rate per diem as shall be fixed by the other members of the board but such compensation shall not exceed] salary of three thousand dollars per annum

The Secretary of Forests and Waters shall be chairman of the Board

Three members of the board shall constitute a quorum

Any investigation hearing or other proceeding which the board has power to undertake or hold may be undertaken or held by or before any member of the Board or by or before any official of the board designated by the board for such purpose provided all actions and orders shall be approved by a majority thereof

The board shall have authority to make and adopt rules and regulations for its procedure acts and orders not inconsistent with this act

Interim permits and orders may be issued and made by the chairman of the board or by any official of the board designated for such purpose by the board but such interim permits and orders shall be subject to subsequent approval or confirmation by the board

Section 448 Advisory Boards and Commissions The advisory boards and commissions within the several administrative departments shall be constituted as follows

(a) The State Military Reservation Commission shall consist of the Governor the Major General commanding the National Guard of Pennsylvania any Major General who commands has commanded or shall hereafter command the National Guard of Pennsylvania and who shall retire from the service subsequent to the first day of January one thousand nine hundred and thirty-three regardless of such retirement the Adjutant General the Brigadier Generals commanding brigades the Chief of Staff of the Twenty-eighth Division and two other members to be appointed by the Governor

The commission shall elect from among its members a chairman and a secretary

(b) The State Veterans' Commission shall consist of the Adjutant General ex-officio and five members all of whom shall have served in the armed forces of the United States while a state of war existed between the United States of America and another sovereign power and shall be members in good and regular standing of a Pennsylvania branch post lodge or club of a recognized national veterans organization active in this Commonwealth

Three members of the commission shall constitute a quorum

The commission shall select from its number a chairman and a secretary

(c) The State Forest Commission shall consist of four persons and the Secretary of Forests and Waters ex-officio who shall be chairman thereof

(d) The State Parks Commission shall consist of the Secretary of Forests and Waters the Secretary of Highways the Executive Director of the Pennsylvania Game Commission the Commissioner of Fisheries the Chairman of the several Regional State Park Boards and the chairman of the Pennsylvania Historical Commission [and four other citizens]

[Four] A majority of the members of the commission shall constitute a quorum

The State Parks Commission shall annually elect from among its members a chairman and vice-chairman

(e) Bushy Run Battlefield Commission The Bushy Run Battlefield Commission shall consist of the Secretary of Forests and Waters and the chairman and Secretary of the Pennsylvania Historical Commission ex-officio and six other members residing in the vicinity of the Bushy Run Battlefield State Park and having a knowledge of and interest in the history of the locality wherein said park is situated

The members of the commission shall annually elect a chairman and a secretary

Five members of the commission shall constitute a quorum

(f) The Advisory Health Board shall consist of the Secretary of Health and six members a majority of whom shall be physicians graduates of legally constituted medical colleges and of at least ten years' experience in the practice of their profession and one of whom shall be a civil engineer The Secretary of Health shall be chairman of the board

Three members of the board together with the Secretary of Health shall constitute a quorum

(g) The Industrial Board shall consist of the Secretary of Labor and Industry and four additional members one of whom shall be an employer of labor one a wage earner and one a woman The Secretary of Labor and Industry shall be a chairman of the board

Three members of the board shall be a quorum

The members of the Industrial Board other than the chairman shall receive fifteen dollars per day while in the performance of their official duties

(h) The State Welfare Commission shall consist of the Secretary of Welfare ex-officio and eight other members The Secretary of Welfare shall be chairman of the board The Secretary of Welfare and four other members of the board shall constitute a quorum

(i) The General Galusha Pennypacker Monument Commission shall consist of the Secretary of Property and Supplies the president of the Pennsylvania Academy of Fine Arts of Philadelphia and three other persons The Commission shall annually elect a president and secretary

Three members of the commission shall constitute a quorum

(j) The Regional State Park Boards shall consists of the Secretary of Forests and Waters and five other members three of whom shall reside in the region where the particular board of which they are members functions

Each Regional State Park Board shall annually elect from its membership a chairman and a vice-chairman

The Secretary of Forests and Waters shall appoint a secretary for each Regional State Park Board

Four members of a Regional State Park Board shall constitute a quorum

Section 507 Purchases It shall be unlawful for any administrative department other than the Department of Property and Supplies or for any independent administrative board or commission or for any departmental administrative body board or commission or for any advisory board or commission to purchase or contract for the purchase of any stationery paper printing binding ruling lithographing engraving envelopes or other printing or binding supplies or any fuel supplies furniture furnishings or equipment except

(a) Any departments boards or commissions which by law are authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by them or out of the moneys appropriated to them by the General Assembly Provided That every such department board and commission shall make its purchases through the Department of Property and Supplies as purchasing agency and all such purchases shall conform to the effective supplies contracts of the Department of Property and Supplies unless in any case the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supplies contracts

(b) Any department board or commission having charge of a State institution which may purchase perishable foodstuffs [and fuel] for such institution directly and may purchase and article directly if it can after competitive bidding purchase the same f o b the institution for a price [equal to or] less than the Department of Property and Supplies can furnish it f o b the institution but all articles purchased directly hereunder shall conform to the specification contained in the effective supply contracts of the Department of Property and Supplies or if the article be not included in the effective supply contracts then to the standard specification if any adopted by the Department of Property and Supplies for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification

In all other cases such departments boards or commissions shall make purchases through the Department of Property and Supplies as purchasing agency and all purchases made by the Department of Property and Supplies as purchasing agency hereunder shall conform to the specifications contained in the effective supply contracts of the department or if the article be not included in the effective supply contracts then to the standard specifications if any adopted by the department for the commodity purchased unless hte Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supply contracts or specifications

(c) Any department board or commission which shall have been authorized in writing by the Department of Property and Supplies to make purchases in the field not exceeding a specified amount but records of all such purchases shall be transmitted periodically to the Department of Property and Supplies in such form as it may require In so far as practicable purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies and shall be in accordance with applicable specifications in such contracts otherwise such purchases shall be made from the lowest of at least two bidders

Section 508 Erection Repairs or Alterations of and Additions to Buildings (a) No administrative department except the Department of Property and Supplies and no administrative board or commission shall except as in this act otherwise specifically provided erect or construct or contract for the erection or construction of any new building or make or contract for making any alterations or additions to an existing building involving an expenditure of more than [ten thousand ($10,000)] one thousand dollars ($1,000) and in any case in which any other department or any board of commission is by this act authorized to erect or construct buildings or make alterations or additions such erection or construction shall be under the [general] complete supervision and shall be the responsibility of the Department of Property and Supplies

[(b) All repairs to or alterations of existing buildings of the Commonwealth involving expenditures of more than one thousand dollars ($1,000) shall be subject to inspection by and the general supervision of the Department of Property and Supplies which shall be notified thereof at least ten days prior to the execution of the contract or if the work is not to be done under contract then at least ten days prior to the commencement of the work and all plans and specifications for repairs to or alterations of buildings under the control of the departmental administrative boards and commission shall be subject to approval by the departments with which such boards or commissions are respectively connected]

(b) The Department of Property and Supplies shall make at least once every two fiscal years a survey of all buildings equipment land improvements connected with and comprising each State institution After making and survey the Department of Property and Supplies shall prepare a report setting forth in detail the results of the survey including the needs of such institution with respect to the maintenance of and repairs improvements alterations and additions to its buildings lands and equipment The Department of Property and Supplies shall file a copy of such report with the Governor and the department or departmental administrative board having supervision or control of the institution Such reports shall be used so far as practical as a guide in formulating the biennial budgetary requests for appropriations for the maintenance of any repairs improvements alterations and additions to the buildings lands and equipment of State institutions

(c) All plans and specifications for new buildings and for alterations or additions to existing buildings shall be subject to the approval of the Department of Property and Supplies and in addition thereto shall also be subject to the approval of the department board or commission using or intending to use the building being erected or constructed or to which an alteration or addition is being made [and in] with respect to the type and general character of the proposed building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared In the case of buildings used by or for the use of departmental administrative boards or commissions the plans and specifications shall also be approved with respect to the above mentioned matters by the department with which the board of commissio is connected

(d) Buildings may be erected or constructed or alterations or additions made wholly or partially by the labor of employes or inmates or patients of State institutions if in the judgment of the agency responsible for the management of such institutions and of the Department of Property and Supplies the work can be properly and

safely done by such employes inmates or patients In such cases the Department of Property and Supplies [or such agency of the State Government] or outside supervising engineer or engineering concern as it may approve shall have full and direct [supervision] responsibility for the management of the work and [in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work] the department board or commission using or intending to use the building shall have complete charge of such employes inmates or patients

Section 511 Sale and Transfer of Surplus Products All departments boards and commissions may sell for the best price obtainable but not less than the current market price for similar products any surplus products of the soil meats live stock timber or other materials raised or grown upon or taken from property of the Commonwealth administered by such departments boards or commissions or their by-products respectively Transfers may be made of such products by and between State institutions under the control and management of such departments boards or commissions

As used in this section "surplus" shall mean products meats live stock timber or other materials or their by-products respectively which cannot conveniently and economically be used in connection with the proper maintenance of the institution park or other property administered by the department board or commission involved but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees and no sales or transfers shall be made under this section by any departmental administrative board or commission without the approval of the department with which such board or commission is connected

The proceeds of the sale of any products of the soil meats live stock timber or other materials sold by any department board or commission under the provisions of this section shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund unless the expenses of such department board or commission are paid wholly or mainly out of a special fund in which case such proceeds shall be credited to the proper special fund Any questions arising hereunder shall be determined by the Governor and his decision shall be certified to the Department of Revenue and the Treasury Department

Every department board or commission which sells or transfers any product of the soil meats live stock timber or other materials under the provisions of this section shall keep an accurate record of the dates quantities and prices of all sales or transfers which records shall at all times be subject to audit by the Department of the Auditor General

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section

Section 522 Wage Specifications in Contract for Public Works The specifications upon which contracts are entered into by the Commonwealth for the construction alteration or repair of any public work shall as far as possible contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed in such public work and such laborers or mechanics shall be paid not less than such minimum wage or wages and shall not be required to refund directly or indirectly any part of such wage or wages The contractor shall submit to the Commonwealth certified detailed payrolls giving names classifications hours worked rates per hour and total paid on each pay day The contractor shall also certify that he is not receiving or requiring or will not receive or require directly or indirectly from any employe any refund of any such minimum wage or wages

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications Every officer or person designated as inspector of the work to be performed under any such contract or to aid in the enforcing of the fulfillment thereof shall upon observation or investigation report to the department board or commission which made the contract award all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications and the day or days of such violation All such penalties shall be withheld and deducted for the use of the Commonwealth from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors

Section 701 The Governor The Governor shall have the power and it shall be his duty

(a) To take care that the laws of the Commonwealth shall be faithfully executed

(b) To act as Commander-in-Chief of the Army and Navy of the Commonwealth and of the Militia except when they shall be called into active service by the United States Government

(c) To cause to be published through the Department of Property and Supplies from time to time for the information of the public bulletins of the work of the State Government

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping accounting and reporting for the several administrative departments boards and commissions except for the Department of the Auditor General and the Treasury Department but before prescribing and requiring such installation the Governor shall consult with the Department of the Auditor General

(e) To prescribe forms for accounts and financial records reports and statements for the several administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department but before prescribing such forms the Governor shall consult with the Department of the Auditor General

(f) To approve or disapprove all investments by departments boards or commissions of funds administered by such departments boards or commissions

(g) To submit to the General Assembly a State budget

(h) After each biennial appropriation to the Department of Property and Supplies (1) for the purchase of stationery paper printing binding ruling lithographing color printing engraving paper envelopes and other printing and binding supplies (2) for fuel supplies furniture furnishings repairs alterations and improvements (3) for automobiles and (4) for rentals of branch offices after making proper deductions for the needs of the legislative and judicial departments to allocate and from time to time to re-allocate to the several administrative departments boards and commissions such portions of such appropriations as will fairly represent the needs of the departments boards and commissions for the biennium taking into consideration the right of any such department board or commission to pay its necessary expenses or purchase furniture materials or supplies out of fees or other moneys received by or moneys specifically appropriated to it

Every administrative department board or commission shall be limited to its right to make requisition upon the Department of Property and Supplies to the amount allocated to it unless the Governor shall subsequently permit the Department of Property and Supplies to honor requisitions in excess of such amount

(i) To do all other acts make all appointments fill all vacancies exercise all the powers vested in him and perform all the duties imposed upon him as provided and required by the Constitution and laws of this Commonwealth

(j) To grant to pilots engaged in the aeronautical work of the Department of Revenue commissions of such grades as the Governor may prescribe

Section 709 Executive Board The Executive Board shall have the power

(a) To standardize the qualifications for employment

and all titles salaries and wages of persons employed by the administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments other than the Department of the Auditor General and the Treasury Department and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendations of department heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own indemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capital city by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other department except the Department of the Auditor General and the Treasury Department or for any board or commission and to make rules and regulations for the use of State automobiles by State officers and employes except the Department of the Auditor General and the Treasury Department

(k) To approve or disapprove requests for and to direct the disposal of files of correspondence reports records or other papers which are not needed for the current or anticipated future operations of any administrative departme t board or commission

Section 712 The Pennsylvania State Police Force The various members of the Pennsylvania State Police are hereby authorized and empowered

(a) To make arrests without warrant for all violations of the law which they may witness and to serve and execute warrants issued by the proper local authorities They shall have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class and upon constables of the Commonwealth

(b) To act as game protectors and as forest fish or fire wardens and for the better performance of such duties

(1) Seize all guns boats decoys traps dogs game fish shooting paraphernalia or hunting or fishing appliances or devices used taken or had in possession contrary to the laws of this State Any article so seized shall be held subject to such disposition as the Commissioner of Fisheries or the [Secretary of the Board of Game commissioners] Executive Director of the Pennsylvania Game Commission or the Secretary of Forests and Waters may respectively determine

(2) Seize and take possession of all birds animals or fish which have been taken caught or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to any law of this State

(3) Search without warrant any boat conveyance vehicle or receptacle when there is good reason to believe that any law has been violated the enforcement or administration of which is imposed on or vested in the Board of Fish Commissioners or the [Board of Game Commissioners] Pennsylvania Game Commission or in the Department of Forests and Waters

(4) Serve subpoenas issued for any examination investigation or trial had pursuant to any law as aforesaid

(5) Purchase game or fish for the purpose of securing evidence

Section 906 Deputy Attorneys General In addition to such deputy attorneys general as may be appointed to assist in the conduct of the regular work of the department the Attorney General with the approval of the Governor shall have power

(a) To appoint and fix the compensation of such special deputy attorneys general as may be required to represent and advise the Workmen's Compensation Board and any other departments boards and commissions which may require the services of counsel to such an extent as to render it reasonably necessary to assign deputy attorneys general exclusively to their work Provided That the office of counsel to the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission shall be retained such counsel to be appointed by the Attorney General as now provided by law The Attorney General as now provided by law may also from time to time with the approval of the Governor appoint such assistant counsel to the [Public Service Commission] Pennsylvania Public Utility Commission as may be required for the proper conduct of its work The compensation of the counsel and assistant counsel of the [Public Service Commission] Pennsylvania Public Utility Commission shall be fixed by the commission with the approval of the Governor as now provided by law

(b) From time to time appoint and fix the compensation of special deputy attorneys general and special attorneys to represent the Commonwealth or any department board or commission thereof in special work or in particular cases

(c) To appoint and fix the compensation of deputy attorneys general to represent the Commonwealth and the several departments boards and commissions thereof in all legal matters arising in any city or county other than the State capital except as otherwise provided in this act Provided That the same deputy attorney general may be assigned to two or more cities or counties in the discretion of the Attorney General

Section 907 Special Attorneys in Criminal Cases When the president judge in the district having jurisdiction of any criminal proceedings before any court of oyer and terminer general jail delivery or quarter sessions in this Commonwealth shall request the Attorney General to do so in writing setting forth that in his judgment the case is a proper one for the Commonwealth's intervention the Attorney General is hereby authorized and empowered to retain and employ a special attorney or attorneys as he may deem necessary properly to represent the Commonwealth in such proceedings and to investigate charges and prosecute the alleged offenders against the law Any attorney so retained and employed shall supersede the dis-

trict attorney of the county in which the case or cases may arise and shall investigate prepare and bring to trial the case or cases to which he may be assigned He shall take the oath of office required by law to be taken by district attorneys and shall be clothed with all the powers and subject to all the liabilities imposed upon them by law The compensation for services rendered and necessary expenses incurred by such attorney or attorneys shall be fixed by the Attorney General and shall be paid by the county in which the case arose

Section 1402 Pennsylvania National Guard The Department of Military Affairs has the power and its duty shall be

(a) To keep in its custody all books and accounts and military property of the Commonwealth issued by it pertaining to the Pennsylvania National Guard

(b) To distribute all orders from the Commander-in-Chief and perform such other duties as the Commander-in-Chief shall direct

(c) To make returns periodically as required of the Pennsylvania National Guard and report of their arms uniforms accoutrements and ammunition according to such forms as may be prescribed by the Secretary of War of the United States and to forward a copy thereof to the Secretary of War of the United States

(d) To pay the troops and make all other disbursements authorized by law by requisition presented to the Auditor General in the usual way

(e) To supply to all officers of the Pennsylvania National Guard such copies of drill regulations manuals of rifle practice service manuals and military publication forms and books prescribed for use of the United States Army as the Governor as Commander-in-Chief may designate

(f) To supply to all organizations of the Pennsylvania National Guard all necessary military stores arms and equipment

(g) With the approval of the Governor as Commander-in-Chief to sell or exchange from time to time such military stores belonging to the Commonwealth as are found to be unserviceable or in state of decay or which it may be deemed for the best interests of the Commonwealth to sell or exchange but if the department is unable to obtain a bid for the property it may be demolished or destroyed The destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard and their certificate shall constitute proper authority to issue a voucher for marking off the property All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue

(h) To audit and adjust all claims incident to the organization training discipline maintenance and service of the Pennsylvania National Guard other than fixed allowances and to pay such claims when audited and adjusted but all claims paid thereunder shall be subject to audit by the Department of the Auditor General

(i) Subject to the approval of the Governor as Commander-in-Chief to procure and issue from time to time to the Pennsylvania National Guard such flags standards and guidons as may be necessary which shall however as far as practical be similar in style to those of the United States Army

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries to persons or damages to property arising out of accident or negligence and incident to the organization training discipline maintenance and service of the Pennsylvania National Guard and upon the recommendation of the board so appointed to adjust and pay such claims for damages Provided however That each such claim shall be in an amount not exceeding two hundred and fifty dollars ($250) And provided further however That all claims paid hereunder shall be subject to audit by the Department of the Auditor General

Section 1802 Forest Powers and Duties The Department of Forests and Waters shall have the power and its duty shall be

(a) With the approval of the State Forest Commission to acquire in the name of the Commonwealth by purchase gift lease or condemnation and hold as State forests subject to the conditions of any such lease and subject to such reservations if any of mineral rights stumpage rights rights of way or other encumbrances as the department and the State Forest Commission deem to be consistent with such holding any lands which in the judgment of the department the Commonwealth should hold manage control protect maintain utilize and regulate as State forests [Provided That the] The purchase price of any such lands shall not exceed ten dollars per acre [and that the] except the price paid for interior holdings and farms and marginal farms along State forest lands which shall not exceed twenty dollars per acre The amount expended for the acquisition of lands for State forest purposes in any biennial appropriation period shall not exceed the appropriation for that purpose for such period

(b) To purchase and hold as State forest unseated vacant or unappropriated lands lands advertised for sale for taxes and land sold for taxes as may now or hereafter be provided by law

(c) To hold manage control protect maintain utilize develop and regulate the occupancy and use of all lands heretofore or hereafter acquired owned leased and maintained as State forests together with the resources thereof

(d) To divide the State into such convenient forest districts as it deems economical and effective to administer protest develop utilize and regulate the occupancy and use of the lands and resources of the State forests to protect all forest land in the State from forest fires fungi insects and other enemies to promote and develop forestry and knowledge of forestry throughout the State to advise and assist landowners in the planting of forest and shade trees to obtain and publish information respecting forest lands and forestry in the State to assist in Arbor Day work and promote and advance any other activity in local forestry which the department may deem helpful to the public interest and to execute the rules and regulations of the department for the protection of forests from fire and depredation It may also assign district foresters to take active charge of such forests districts and also foresters forest rangers and other help for the administration of such forest districts as the Secretary of Forests and Waters may deem necessary for the accomplishment throughout the State of the purposes for which the department is established

(e) To cooperate with the authorities of townships boroughs and cities of this Commonwealth in the acquisition and administration of municipal forests as may now or hereafter be provided by law

(f) With the advice of the State Forest Commission to establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of the State forests as the department deems proper to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which the State forests are created namely to provide a continuous supply of timber lumber wood and other forest products to protect the watersheds conserve the waters and regulate the flow of rivers and streams of the State and to furnish opportunities for healthful recreation to the public

The net receipts arising out of the occupancy and use of the State forests hereunder shall be paid into the State Treasury through the Department of Revenue and shall belong to and form part of the State School Fund

(g) Whenever it shall appear that the welfare of the Commonwealth with reference to reforesting and the betterment of the State forests with respect to control management protection utilization development and regulation of their occupancy and use will be advanced by selling or disposing of any of the timber on the State forests to dispose of such timber on terms most advantageous to the State Provided That the department is authorized and directed to set aside within the State forests unusual or historical groves of trees or natural features especially

worthy of permanent preservation to make the same accessible and convenient for public use and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment And the said department is hereby empowered with the advice of the State Forest Commission to make and execute contracts or leases in the name of the Commonwealth for the mining or removal of any valuable minerals that may be found in said State forests whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said minerals And provided further That any proposed contracts or leases of valuable minerals exceeding three hundred dollars in value shall have been advertised once week for three weeks in at least two newspapers published nearest the locality indicated in advance of awarding such contract or lease Such contracts or leases may then be awarded to the highest and best bidder who shall give bond for the proper performance of the contract as the department shall designate

(h) To appoint and with the approval of the Governor fix the compensation of a chief forest fire warden and such district forest fire wardens and to appoint and fix the compensation of such local forest fire wardens and other assistants as shall be required for the prevention control and extinction of forest fires

(i) To establish and administer auxiliary forest reserves in the manner and under such terms and conditions as may now or hereafter be provided by law

(j) To distribute young forest trees as provided by law to those desiring to plant them

(k) To furnish information and issue certificates and requisition necessary for the payment of such fixed charges in lieu of taxes on State forests and auxiliary forest reserves to school districts road districts and counties as may now or hereafter be provided by law

(l) To sell or exchange State forest land as provided by law whenever it shall be to the advantage of the State forest interests Provided that such action has been authorized by resolution of the State Forest Commission unanimously adopted at a meeting at which a majority of its members are present and voting and has been approved by the Governor

Section 1804 Waters The Department of Forests and Waters shall have the power and its duty shall be

(a) To study consider and determine upon a public policy with regard to the conservation marketing and equitable distribution of the water and power to be derived from the utilization of the water resources of the Commonwealth to the restoration development and improvement of transportation by water to the supply of water and power for municipal domestic and industrial use and to the conservation of water resources by the aid of forestation

(b) To investigate or examine dams walls wing walls wharves embankments abutments projections bridges and other water obstructions determine whether they are unsafe need repair alteration or change in their structure or location or should be removed notify owners to repair alter or change the structure or location or remove the same repair alter or change the structure or location or remove the same in emergencies without notice and at the cost of the owners and apply for injunctions to enforce compliance with or restrain the violation of the law in regard to the safety of dams or the derogatory effect of walls wing walls wharves embankments abutments projections bridges or other water obstructions upon the regiment of streams or the violation of any lawful order or notice the department or the Water and Power Resources Board in regard thereto The power of the department under this paragraph shall extend to and include all types of water obstructions regardless of the date when such obstructions were constructed and whether or not the same were constructed by express or implied permission of the Commonwealth or any agency thereof

(c) To collect such information relative to the existing conditions of the water resources of the State as in the opinion of the department shall be necessary for the utilization of waters and for the conservation purification development and equitable distribution of water and water power resources and in particular for the use of such citizens and communities as may be in need of extended facilities for these purposes

(d) To establish and maintain gauging stations on rivers and their tributaries

(e) To issue bulletins during freshet and flood conditions forcasting gauge heights and the times thereof

(f) To maintain a complete inventory of all the water resources of the Commonwealth collect all pertinent data facts and information in connection therewith classify tabulate record and preserve the same and upon the basis thereof determine with the approval of the Water and Resources Board the points at which storage reservoirs may be constructed for flood control for municipal and domestic supply hydraulic and hydoelectric power steam raising steam condensation navigation and other utilization and generally to devise all possible ways and means to conserve and develop the water supply and water resources of the Commonwealth for the use of the people thereof

(g) To construct maintain and operate works for water storage flood control channel improvement or other hydraulic purposes

Section 1806 Parks The Department of Forests and Waters shall have the power and its duty shall be

(a) To supervise maintain improve regulate police and preserve all parks belonging to the Commonwealth except the Pennsylvania State Park at Erie Washington Crossing Park Valley Forge Park and Fort Washington Park

(b) For the purpose of promoting healthful outdoor recreation and education and making available for such use natural areas of unusual scenic beauty especially such as provide impressive views water falls gorges creeks caves or other unique and interesting features to acquire in the name of the Commonwealth by purchase gift lease or condemnation any lands which in the judgment of the department should be held controlled protected maintained and utilized as State park lands Such lands may be purchased or accepted subject to the conditions of any such lease and subject to such reservations if any of mineral rights rights of way or other encumbrances as the department may deem not inconsistent with such holdings Provided however That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes [nor shall the purchase cost exceed fifty dollars per acre]

(c) To establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of State parks as it may deem necessary to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which State parks are created

(d) To see that conveniences and facilities for the transportation shelter comfort and education of people shall be so designed and constructed as to retain so far as may be the naturalistic appearance of State park areas surroundings and approaches and conceal the hand of man as ordinarily visible in urban industrial and commerical activities

(e) To lease for a period not to exceed ten years on such terms as may be considered reasonable to any citizen or organization of this Commonwealth a portion of any State park whether owned or leased by the Commonwealth as may be suitable as a site for temporary buildings to be used for health recreational or educational purposes or for parking areas or concessions for the convenience and comfort of the public

(f) To study counsel and advise in reference to gifts of lands or money for park purposes

(g) To counsel and advise in reference to the development of park lands by concessionaries with facilities and equipment for the accommodation and education of the public

Section 2110 Sanitary Water Board Subject to any inconsistent provisions in this act contained the Sanitary Water Board shall have the power and its duty shall be-

(a) To exercise all the powers and perform all the duties vested in and imposed upon the Commissioner of Health the Governor and the Attorney General or any of them by sections four and five and sections seven to eleven inclusive of the act approved the twenty-second day of April one thousand nine hundred and five (P. L. 260) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" which reads as follows

"Section 4 No person corporation or municipality shall place or permit to be placed or discharge or permit to flow into any of the waters of the State any sewage except as hereinafter provided But this act shall not apply to waters pumped or flowing from coal mines or tanneries nor prevent the discharge of sewage from any public sewer system owned and maintained by a municipality provided such sewer system was in operation and was discharging sewage into any of the waters of the State at the time of the passage of this act But this exception shall not permit the discharge of sewage from a sewer system which shall be extended subsequent to the passage of this act

"For the purpose of this act sewage shall be defined as any substance that contains any of the waste products or excrementitious or other dischargfes from the bodies of human beings or animals

"Section 5 Upon application duly made to the Commissioner of Health by the public authorities having by law the charge of the sewer system of any municipality the Governor of the State the Attorney General and the Commissioner of Health shall consider the case of such a sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the State and whenever it is their unanimous opinion that the general interests of the public health would be subserved thereby the Commissioner of Health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State and may stipulate in the permit the conditions on which such discharge may be permitted Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of the said sewer system is located Every such permit for the discharge of sewage from a sewer system shall be revocable or subject to modification and charge by the Commissioner of Health on due notice after an investigation and hearing and an opportunity for all interested therein to be heard therein being served on the public authorities of the municipality owning maintaining or using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued may be stated in the permit but in no case shall it be less than one year or exceed two years and if the length of time is not specified in the permit it shall be one year On the expiration of the period of time prescribed after the service of a notice of revocation modification or change from the Commissioner of Health the right to discharge sewage into any of the waters of the State shall cease and terminate and the prohibition of this act against such discharge shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided

"Section 7 The penalty for the discharge of sewage from any public sewer system into any of the waters of the State without a duly issued permit in any case in which a permit is required by this act shall be five hundred dollars and a further penalty of fifty dollars per day for each day the offense is maintained recoverable by the Commonwealth at the suit of the Commissioner of Health as debts of like amount are recoverable by law The penalty for the discharge of sewage from any public sewer system into any of the waters of the State without filing a report in any case in which a report is required to be filed shall be fifty dollars recoverable by a like suit

"Section 8 All individuals private corporations and companies that are at the time of the passage of this act are discharging sewage into any of the waters of the State may continue to discharge such sewage unless in the opinion of the Commissioner of Health the discharge of such sewage may become injurious to the public health If at any time the Commissioner of Health considers that the discharge of such sewage into any waters of the State may become injurious to the public health he may order the discharge of such sewage discontinued

"Section 9 Every individual private corporation or company shall discontinue the discharge of sewage into any of the waters of the State within ten days after having been so ordered by the Commissioner of Health

"Section 10 Any individual private corporation or company that shall discharge sewage or permit the same to flow into the waters of the State contrary to the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of twenty-five dollars for each offense and a further fine of five dollars per day for each day the offense is maintained or by imprisonment not exceeding one month or both at the discretion of the court

"Section 11 Any order or decision under this act of the Commissioner of Health or that of the Governor Attorney General and Commissioner of Health shall be subject to an appeal to any court of common pleas of the county wherein the outlet of such sewer or sewer system otherwise prohibited by this act is situated and said court shall have power to hear said appeal and may affirm or set aside said order or decision or modify the same or otherwise fix the terms upon which permission shall be granted But the order or decision appealed from shall not be superseded by the appeal but shall stand until the order of the court as above"

Provided That it shall require the affirmative votes of three of the members of the board to authorize the granting of a permit for discharging sewage into any of the waters of the State under section five of the said act

(b) To exercise all other powers not contrary to law formerly exercised by the Department of Health or the Commissioner of Health with regard to granting permits for the erection of sewage disposal works or plants and the construction of sewers or sewer systems

(c) To exercise all the powers not contrary to law exercised by the former Department of Fisheries the former Commissioner of Fisheries and the former Water Supply Commission of Pennsylvania with regard to the prevention of pollution of the waters of this Commonwealth

(d) To investigate hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any [public service company] public utility over which the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission has jurisdiction whenever said commission shall certify such question to the board

The findings of the board upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceeding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law

(e) To make rules and regulations for the effective administration and enforcement of the laws of this Commonwealth prohibiting the pollution of the waters thereof

(f) To study investigate and from time to time report ways and means of eliminating from the streams and waters of the Commonwealth so far as practicable all substances and materials which pollute or tend to pollute the same and to determine and recommend methods of preventing pollution detrimental to the public health or to the health of animals fish or aquatic life or detrimental to the use of waters for recreational purposes The board shall have the power to investigate the character of all wastes discharged into or deposited on the banks of the streams or waters of the Commonwealth and shall make similar investigations and recommendations with regard to the matter of preventing pollution of the waters of interstate streams which touch the boundaries of the Commonwealth

(g) To call upon the Department of Health to make such inspections conduct such investigations and to do

such other acts as may be necessary and proper in the exercise of the powers and the performance of the duties of the board

Section 2304 Visitations and Inspections The Department of Welfare shall have the power and its duty shall be

(a) To make and enforce rules and regulations for the visitation examination and inspection of all supervised institutions

(b) To visit and inspect at least once in each year all State and supervised institutions to inquire and examine into their methods of instruction discipline detention imprisonment care or treatment the care treatment government or management of their inmates or those committed thereto or being imprisoned detained treated or residing therein the official conduct of their inspectors trustees managers directors or other officer or officers charged with their management by law or otherwise or having the management care custody or control thereof the buildings grounds premises and equipment thereof or connected therewith and all and every matter and thing relating to their usefulness administration and management and to the welfare of the inmates thereof or those committed thereto or being imprisoned detained treated or residing therein

For these purposes the Secretary of Welfare or other officer inspector or agent of the department shall have free and full access to the grounds premises and buildings of and to all the records books or papers of or relating to any such State or supervised institution and full opportunity to interrogate or interview any inmate thereof or any person or persons committed to or being imprisoned detained treated or residing therein and all persons connected with any such State or supervised institution as officers or charged with the management thereof by law or otherwise or in any way having the care custody control or management thereof or connected therewith as employes are hereby directed and required to give to the Secretary of Welfare or to such officer inspector or agent of the department such means facilities and opportunity for such visitation examination inquiry and interrogation as is hereby provided and required or as the department by its duly ordained rules or regulations may require

(c) Whenever upon the visitation examination and inspection of any State or supervised institution any condition is found to exist therein which in the opinion of the department is unlawful unhygienic or detrimental to the proper maintenance and discipline of such State or supervised institution or to the proper maintenance custody safety and welfare of the inmates thereof or of the persons committed thereto or being treated detained or residing therein to direct the officer or officers charged by law with or in any way having or exercising the control government or management of such State or supervised institution to correct the said objectionable condition in the manner and within the time specified by the department whereupon it shall be the duty of such officer or officers to comply with the direction of the department If such officer or officers shall fail to comply with such direction the department may request the Department of Justice to institute appropriate legal proceedings to enforce compliance therewith or the department may withhold any State money available for such institution until such officer or officers comply with such direction

(d) To cause to be visited and examined any person found by an inquisition to be insane and to authorize such visiting and examining by an officer or agent of the department or any board of visitors or by a physician and to apply to the court having jurisdiction over the committee or guardian of such insane person or to a judge of a court of common pleas of the county in which the insane person is a resident or detained to make such orders for the maintenance custody or care of the insane person and for the care and disposition of the property of the insane person as the case may require

Section 2307 Recommendations The Department of Welfare shall have the power and its duty shall be from time to time to recommend and bring to the attention of the officers or other persons having the management of the State and supervised institutions such standards and methods as may be helpful in the government and administration of such institutions and for the betterment of the inmates therein whereupon it shall be the duty of such officers or other persons to adopt and put into practice such standards and methods

Section 2311 Restoration The Department of Welfare shall have the power and its duty shall be

(a) To require and supervise the transfer of inmates [of one penitentiary to another under any law providing therefor] from one State penal or correctional institution to any other State penal or correctional institution

(b) To formulate and put into operation plans for the classification of State penal or correctional institutions and also to formulate and put into operation a program for the classification of inmates so that the inmates may be grouped in those institutions which have the proper facilities

[(b)] (c) To request from any or all magistrates chiefs of police sheriffs district attorneys courts judges probation officers and all others concerned in the control apprehension trial and punishment of criminals and delinquents in this Commonwealth periodical reports as to the number and kind of crimes reported the numbers age sex color nativity and offenses of criminals and delinquents arrested tried and otherwise disposed of the sentences imposed and whether executed or suspended the number placed on probation and the reason therefor the number of probation officers and the nature of the oversight exercised over those placed on probation and for the purpose of verifying the reports so made the department shall have the power to make such further inquiry or investigation as may seem to it necessary and it shall be the duty of all such migistrates and other officers to make such reports at such time or times and to furnish such facilities for investigation and such cooperation as the department may require

Section 2312 Inmate Labor The Department of Welfare shall have the power and its duty shall be

(a) To establish maintain and carry on industries in the Eastern State Penitentiary the Western State Penitentiary the Rockview Penitentiary the new Eastern State Penitentiary at Graterford the Pennsylvania Industrial Reformatory at Huntingdon and such other penal or correctional institutions of this Commonwealth as it may deem proper in which industries all persons sentenced to such institutions who are physically capable of such labor may be employed at labor for not to exceed eight hours each day other than Sundays and public holidays Such labor shall be for the purpose of doing printing or of manufacturing and producing supplies or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair or for the planting of seed trees or the performance of other work in State forests or for the purpose of industrial training or instruction or in the manufacture and production of crushed stone brick tile and culvert pipe or other material suitable for draining roads of the State or in preparation of road building and ballasting material

(b) To determine the amount kind and character of the machinery to be erected in each of the said penitentiaries reformatory or other penal or correctional institutions of the Commonwealth and the industries to be carried on therein having due regard to the location and convenience thereof with respect to other institutions to be supplied to the machinery therein and the number and character of inmates

(c) To contract to sell or sell the article manufactured or produced in the said industries carried on in the said penitentiaries reformatory or other penal or correctional institutions which cannot be used therein to the Commonwealth or to any county city borough township school district or poor district thereof or to any State institution or to any educational or charitable institution receiving aid from the Commonwealth or to the Government of the United States or any department bureau commission or agency thereof or to any other State or political subdivision thereof or to any institution receiving aid from the Government of the United States or of any other State

(d) To arrange for the employment of inmates of such institutions at such work or labor within or upon the grounds of such institutions as may be necessary for the maintenance of the institutions or the raising of food products therefor

(e) To charge to each such institution such rate per diem as may be paid by the department to such inmate hereunder for his services for the work or labor of each inmate engaged in wok or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor

Also to collect from each such institution for any manufactured supplies or products used by it the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor All amounts collected by the Department of Welfare from such institutions hereunder shall be paid through the Department of Revenue into the Manufacturing Fund in the State Treasury and all such amounts shall be considered a part of such institutions' maintenance expense

(f) To charge to each such institution in like manner for the labor of all inmates engaged in preparing materials for the construction of buildings or in doing construction work such payments to be made by the institutions out of funds available for construction work All moneys received hereunder shall be paid into the Manufacturing Fund through the Department of Revenue

(g) Through the Department of Revenue to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions This clause shall not however apply to the sale of surplus foods products or products of the soil as elsewhere in this act permitted

(h) To pay out of the Manufacturing Fund [for the machinery equipment and material required or used in the carrying on of the industries in the said penitentiaries reformatory or other institutions under the provisions hereof and all salaries of superintendents managers salesmen clerks and others employed in the management of the industries and the wages as hereinafter provided for the labor of the inmates of said penitentiaries reformatory or other institutions in such industries] all expenses necessary for the proper conduct of the work of the department pertaining to the establishment maintenance and carrying on of industries in the State penal and correctional institutions including the payment of salaries wages and other compensation of superintendents managers supervisors chairmen clerks assistants and other employes engaged in the operation and management of such industries the payment of wages for the labor of inmates of such institutions the payment of rentals and other expenses for offices rooms garage space and other accommodations outside of the Capitol buildings either in or outside the City of Harrisburg the erection construction alteration or repair of buildings necessary to house such industries the payment of premiums for workmen's compensation insurance covering officers and employes and for surety bonds for such officers and employes as may be required by law to furnish such bonds the purchase and the payment of the operating cost of motor vehicles required for full-time use including premiums and liability insurance covering such motor vehicles for officers and employes operating them the payment of mileage charges to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use the purchase of machinery equipment furniture materials supplies and commodities the payment of charges to the Department of Property and Supplies for any purchases or service made through the Puchasing Fund and for the payment of all other necessary expenses

Estimates of the amounts to be expended from the Manufacturing Fund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures or moneys out of this appropriation in excess of the estimates approved by the Governor Subject to this provision the Department of the Auditor General shall from time to time draw warrants upon the Treasury Department for the amounts specified in such requisitions not exceeding however the amount in the Manufacturing Fund at the time of the making of any such requisitions

(i) To require that an account shall be kept by the proper officers of each said penitentiary reformatory and other correctional institution of the labor performed by inmates In such account shall be shown the time each inmate is actually engaged in work the rate of wage at which he is to be paid which shall be regulated by the department In no case shall the amount be less than ten cents for each day of labor actually performed The rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness industry and good conduct of the inmate All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund to be disbursed or held by such institution in the manner following

Three-fourths of the amount of wages payable to an inmate of such penitentiary reformatory or other institution or the entire amount if the inmate so wishes shall constitute a fund for the relief of any person or persons dependent upon such inmate and shall be paid upon the order of the board of trustees of the penitentiary reformatory or other institution in which the inmate is a prisoner to the person or persons establishing such dependency to the satisfaction of such board at such time or times as said board may order

All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary reformatory or other institution in which he was a prisoner Provided however That subject to the rules and regulations of the board of trustees of the penitentiary reformatory or other institution in which such inmate is a prisoner the whole or any part of said sum may be paid to him during his imprisonment for his present needs such rules and regulations to be subject to the approval of the department

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the department may approve and which they are able to provide from other sources but all such work shall be performed the products thereof sold and the proceeds thereof disposed of under the rules and rgeulations of the department covering the same

(l) To supervise the establishment in other State institutions of industries classes in occupational therapy and other means for the employment and training of inmates or patients

Section 2315 State Institutions With regard to State institutions the department shall have the power and its duty shall be

(a) To determine the capacity of such institutions

(b) To determine and designate the type of persons to be received by such institutions the proportion of each type to be received therein and the districts from which persons shall be received by such institutions

(c) To issue requisitions upon the Auditor General for warrants to be drawn by the Auditor General upon the State Treasurer in favor of such institutions for the payment out of moneys specifically appropriated to the department for the purpose of the expenses of administering operating maintaining and developing such State institutions

(d) To require the submission to the department of any contract for repairs alterations or equipment which any such State institution desires to make and to approve or disapprove such proposed contract No such contract shall be valid without the approval of the department as evidenced by the signature of the Secretary of Welfare

(e) To fix and establish charges for all services rendered by State-owned medical and surgical hospitals

Section 2318 Boards of Trustees of State Institutions The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution It shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a superintendent or warden of the institution who shall subject to the authority of the board administer the institution in all its departments [and if the board shall deem it advisable a business manager]

(b) On nomination by the superintendent or warden from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Secretary of Welfare to make such by-laws rules and regulations for the management of the institution as it may deem wise

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions

Board of Trustees of Eastern State Penitentiary of Eastern State Penitentiary at Philadelphia

Board of Trustees of Western State Penitentiary of Western State Penitentiary at Pittsburgh and of the State Penitentiary at Rockview

Board of Trustees of Pennsylvania Industrial School of Pennsylvania Industrial Reformatory hereafter to be known as Pennsylvania Industrial School at Huntingdon

Board of Trustees of State Industrial Home for Women of State Industrial Home for Women at Muncy

Board of Trustees of Pennsylvania Training School of Pennsylvania Training School at Morganza

Board of Trustees of Allentown State Hospital of Homeopathic State Hospital for the Insane at Allentown

Board of Trustees of Danville State Hospital of State Hospital for the Insane at Danville Pennsylvania

Board of Trustees of Farview State Hospital of State Hospital for the Criminal Insane at Farview.

Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital at Harrisburg

Board of Trustees of Norristown State Hospital of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown

Board of Trustees of Warren State Hospital of State Hospital for the Insane at Warren Pennsylvania

Board of Trustees of Wernersville State Hospital of State Asylum for the Chronic Insane of Pennsylvania at South Mountain

Board of Trustees of Torrance State Hospital of Western State Hospital for the Insane Torrance

Board of Trustees of Ashland State Hospital of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland

Board of Trustees of Blossburg State Hospital at Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg

Board of Trustees of Coaldale State Hospital of State Hospital at Coaldale Schuylkill County

Board of Trustees of Connellsville State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville

Board of Trustees of Hazleton State Hospital of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton

Board of Trustees of Nanticoke State Hospital of State Hospital of Luzerne County at Nanticoke

Board of Trustees of Philipsburg State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg

Board of Trustees of Scranton State Hospital of State Hospital of the Northern Anthracite Coal Regions of Pennsylvania at Scranton

Board of Trustees of Shamokin State Hospital of State Hospital of the Trevorton Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin

Board of Trustees of Locust Mountain State Hospital of Locust Mountain State Hospital at Shenandoah

Board of Trustees of Laurelton State Village of Pennsylvania Village for Feeble-Minded Women at Laurelton

Board of Trustees of Pennhurst State School of State Institution for the Feebleminded and Epileptic of Eastern Pennsylvania at Pennhurst

Board of Trustees of Polk State School of State Institution for the Feeble-Minded of Western Pennsylvania at Polk

Board of Trustees of Selinsgrove State Colony for Epileptics of the State Colony for Epileptics at Selinsgrove

Section 2319 [Board of Trustees of Cumberland Valley State Institution for Mental Defectives The Board of Trustees of Cumberland Valley State Institution for Mental Defectives shall when and as the legislature shall appropriate money for the purpose cooperative [cooperate] with the Department of Property and Supplies as provided in this act in the erection on the property at New Cumberland Cumberland County Pennsylvania acquired by the Commission for the Selection of a Site and the Erection of a State Institution for Inebriates of a State institution for mental defectives

Upon the completion of such institution the board of trustees shall manage and control the same as provided in the proceeding section of this act Provided That the Superintendent of such institution shall always be a physician experienced in the treatment of mental diseases and mental defectives] New Pennsylvania Industrial School and Maximum Security State Prison Upon the erection construction and completion of the new Pennsylvania Industrial School and the Maximum Security State Prison pursuant to law the Department of Welfare shall manage and control the same and shall have such powers and duties with respect thereto as are provided by law

Section 2402 Grounds Building and Monuments in General The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capital Building and the public grounds and buildings connected with the State Capitol including the State Arsenal] and the Executive Mansion and to make or supervise the making of all repairs alternations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

(b) To employ such captains sergeants of police and police officers as may be necessary to preserve good order in the Capitol grounds and buildings and fix their compensation Provided however That the number and compensation of such captains sergeants and officers shall be subject to the approval of the Governor Such captains sergeants and officers shall be known as the Capitol Police

(c) To employ such help as may be reasonably necessary for the cleaning care and preservation of the Capitol grounds and buildings and the furnishings therein for operating the mechanical plants in the Capitol buildings and the Executive Mansion and for service at the Executive Mansion

(d) To contract in writing for and rent proper and adequate offices rooms or other accommodations outside of the Capitol buildings for any department board or commisison which cannot be properly and adequately accommodated with offices rooms and accommodations in the Capitol buildings and in all cases in which the head of a department for such department or for a departmental administrative board or commission within such department or an independent administrative board administrative board or commission with the approval of the Executive Board has established or is about to establish a branch office in any city or place outside of the capital city with the approval of the Board of Commissioners of Public Grounds and Buildings to contract in writing for

and rent such offices roms and other accommodations as shall be proper and adequate for such department board or commission The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles either in or outside of the capital city at such rentals or rates as it shall deem reasonable The department may also if the General Assembly shall have appropriated funds therefor lease any lands which may be necessary for use by any department board or commission in the exercise of its powers or the performance of its duties It shall be unlawful for any other department board commission or agency of the State Government to enter into any leases but the Department of Property and Supplies shall act only as agent in executing leases for departments boards and commissions the expenses of which are paid wholly or mainly out of special funds and in such cases the rentals shall be paid out of such special funds

(e) To employ and with the approval of the Governor fix the compensation of such capable superintendents of construction engineers or inspectors as may be necessary properly to supervise building repairing altering adding to or improving State buildings in cases in which the work is not being done directly by or under contract with the Department of Property and Supplies Such superintendents engineers or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs alterations additions or improvements to existing buildings shall be faithfully carried out and shall be subject to appeal to and final decision by the head of the department define determine and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work

(f) Out of funds appropriated to the department therefor to purchase or condemn land with or without buildings thereon for the purpose of adding the same to any of the public lands or parks or for use as sites for or in connection with arsenals armories miliiary reservations intermediate landing fields hospitals normal schools teachers' colleges penal or correctional institutions or other institutions of the Commonwealth whenever in the judgment of the Governor the purchase or condemnation of such land is necessary or whenever such purchase or condemnation shall have been authorized by law and an appropriation shall have been made therefor The condemnation of land hereunder shall be in the manner provided by the act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred seventy-six) entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws and an appropriation made therefor" its amendments and supplements Except as otherwise in this act expressly provided no other department board or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid any other act of Assembly heretofore enacted to the contrary notwithstanding

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected Provided That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board

(h) Whenever loss or damage by fire or other casualty shall occur to any structure building equipment or other property owned by the Commonwealth and be reported to the department to make an examination thereof and in its discretion subject only to the approval of the Governor to rebuild restore or replace the property damaged or destroyed and for that purpose to have plans and specifications prepared and contracts executed and to supervise the erection construction or replacement thereof such rebuilding restoration or replacement to be in substantial accord with the original character use and purposes of the property damaged or destroyed The cost of the materials furnished and work and labor performed under such contracts shall be certified by the department to the Auditor General who shall issue his warrant against the State Insurance Fund of this Commonwealth which warrant shall be paid by the State Treasurer in the manner provided by law Provided That whenever the department shall have taken such action as will involve expenditures from said fund it shall forthwith certify the probable amount of expenditure to the State Treasurer who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into

(i) To rent to individuals firms or corporations such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year

(j) From time to time to rent to persons associations or corporations upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings the auditorium in the South Office Building Number Two when it shall not be required for the Commonwealth's use

(k) To establish standards for and supervise generally the operation of all mechanical and electrical equipment used in connection with the operation of any State institution or other State building

Section 2403 Standards and Purchases The Department of Property and Supplies shall have the power and its duty shall be

(a) To formulate and establish standards or specifications whenever practicable for articles materials supplies furnishings and equipment used by administrative departments independent administrative departmental administrative and advisory boards and commissions but no specification shall be fixed as a standard until it shall be approved by a majority of the departments boards and commissions using the article material or supply described in the specifications

(b) To enter into contracts for supplying all stationery printing paper and fuel used in the legislative and other departments of the Government and for repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees All such contracts shall be awarded to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor the Auditor General and the State Treasurer

(c) To purchase in like manner (exclusive of the requirement as to maximum price) all other furniture materials or supplies required by the legislative and other departments of the State Government except as otherwise provided in this act

(d) To distribute stationery paper and fuel to the legislative and other departments of the government and arrange for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees upon requisition of the Governor or of the appropriate administrative department or independent administrative board or commission or the proper officer of the General Assembly or of the judicial department as the case may be Provided That all requisitions for furniture materials or supplies required by any department administrative board commission or officer or any advisory board or commission shall be made by the administratve department with which such departmental administrative board commission or officer or such advisory board or commission is connected And provided further That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for furniture stationery materials and supplies

allocated to such department board or commission by the Governor shall have been expended for such department board or commission

(e) To act as the purchasing agency for any administrative department or independent administrative or departmental administrative board or commission which by law is authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by it or out of moneys specifically appropriated to it by the General Assembly except that all departments boards and commissions requiring perishable food-stuffs [or fuels] for use in State institutions may purchase such food-stuffs [and fuel] directly and any department board or commission having charge of a State institution which is able after competitive bidding to purchase any article for a less price f o b the institution than the price at which such article can be furnished by the Department of Property and Supplies f o b the institution may purchase such article directly All purchases made by the Department of Property and Supplies as purchasing agency under this clause shall conform to schedule unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from schedule and all purchases made directly for any State institution shall conform to the specification contained in the schedules or if the article be not included in the schedules then to the standard specification if any adopted by the Department of Property and Supplies for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification

(f) To collect and furnish on request market prices and such other information as will be serviceable in purchasing to any institution receiving State funds directly or indirectly

(g) To authorize any other department or any board or commission to make direct purchases in the field not exceeding a specified amount but the department shall require records of all such purchases to be transmitted to it periodically in such form as it may prescribe In so far as practicable purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies and shall be in accordance with applicable specifications in such contracts otherwise such purchases shall be made from the lowest of at least two bidders

Section 2404 Bonds and Liability Insurance The Department of Property and Supplies shall have the power and its duty shall be

(a) To procure from a corporation or corporations authorized by law to act as sureties in the Commonwealth of Pennsylvania good and sufficient bonds which shall be approved by the Attorney General and filed with the State Treasure to meet the requirements of law in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth for the faithful performance of their official duties or to account for State funds in their possession Provided That if and when the Commonwealth shall establish its own indemnity fund such bonds shall be purchased only in such cases as the Executive Board may require

(b) To produce liability insurance covering vehicles owned by the Commonwealth and operated by State officers or employes or State officers or employes operating vehicles loaned by the Federal government and in its discretion excess fire insurance on State buildings and any other kind of insurance which it may be lawful for the Commonwealth or any department board commission or officer thereof to carry and for which an appropriation has been made to the department

The department shall pay for such insurance out of the moneys appropriated to it except that it shall not pay for insurance covering officers employes or property of the departments boards and commissions whose expenses are wholly paid out of funds other than the General Funds of the State Treasury and except officers employes and property of State institutions Insurance covering the officers employes and property of such departments boards and commissions shall be paid for out of the special funds appropriated to them and insurance covering the officers employes and property of State institutions shall be paid for out of the moneys appropriated for their maintenance

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe opertaing the vehicle against claims for damages for injury to person or property within such limits as the department with the approval of the Executive Board shall prescribe

Section 2405 Sale of Unserviceable Property The Department of Property and Supplies shall have the power and its duty shall be to receive from the several administrative departments and independent administrative and departmental administrative boards and commissions unserviceable personal property of this Commonwealth to issue a receipt therefor make a complete record thereof and if no other department board or commission is able to make use of the same presently then as soon as convenient to sel lthe same either at public auction or private sale in the city of Harrisburg or elsewhere as may be deemed advisable Exceptin the case of perishable property such sales shall if the department deems it feasible in view of the value of the property involved be advertised in not exceeding five newspapers of the Commonwealth once a week for three weeks such advertisements to state the time place and conditions of any such sale but if after such advertising the department is unable to obtain a bid for the property it may be demolished or destroyed Provided That when the unserviceable property is located [at a State institution] outside the city of Harirsburg the [department] Department of Property and Supplies in its discretion may authorize [such institution] the department board or commission having possession of the same without advertising to obtain at least two bids in the locality where the property is located Such bids shall be referred to the [department] Department of Property and Supplies and if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale the department may authorize the [institution] department board or commission having possession of the same to sell the property locally to the highest bidder to take a proper receipt therefor and to transmit the proceeds to the [department] Department of Property and Supplies to be by it paid into the State Treasury through the Department of Revenue And provided further That whenever any department board or commission shall deliver to the Department of Property and Supplies any unserviceable personal property and at the same time requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid or request said department as purchasing agency to purchase new property of a similar character the Department of Property and Supplies [with the approval of the Board of Commissioners of Public Grounds and Buildings] shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash and to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value the Department of Property and Supplies is authorized and directed to advertise as hereinabove provided The Department of Property and Supplies shall obtain from the person partnership or corporation to which any personal property is delivered in exchange under the authority of this section a receipt therefor describing such personal property and specifying the value at which it was taken in exchange and such receipt shall be delivered to the Auditor General attached to the requisition for the payment of the balance of the purchase price due for the new property purchased The proceeds of sales of personal property hereunder shall be transmitted by the Department of Property and Supplies

to the Department of Revenue which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased

Section 2406 Publications The Department of Property and Supplies shall have the power and its duty shall be

(a) To edit for publication all reports bulletins and other publications of the various departments boards and commissions of the State Government

(b) With the approval of the President pro tempore of the Senate and the Speaker of the House to determine the size and character of the various publications to be printed for the use of the General Assembly Provided That the quantity of any new publication for the members and officers of the General Assembly shall be fixed by act or resolution And provided That the members and officers of the General Assembly shall receive not less than the same number of advance sheets of the laws bills calendars journals Pamphlet Laws department reports and other publications as is now authorized by law which shall be distributed to the members and officers of the General Assembly only on the requisition of the librarian of the Senate and the resident clerk of the House of Representatives

With the approval of the Governor to determine the need size character quantity and method of distribution of the various publications to be printed for the use of or distribution by the several departments boards commissions and other agencies engaged in the administrative work of the State Government Provided That in the case of reports made by the several departments boards or commissions the department board or commission making the report shall be consulted with regard to the need size character quantity and method of distribution of such reports

With the approval of the Governor and of the Chief Justice of the Supreme Court of Pennsylvania to determine the size character quantity and method of distribution of the various publications to be printed for the use of the judicial department

Unless specifically authorized by act or resolution no public printing and binding shall be ordered performed or furnished by the department for the General Assembly or any department board commission or other agency of the State Government until a requisition for said work or materials has been presented to the department duly signed by the chief clerk or librarian for the Senate the chief clerk or president clerk for the House of Representatives or the head or the person or persons who may be given such authority by the head of the department or the chief executive officer or other authorized representative of the board commission or other agency of the State Government making such requisition

(c) To compile and edit a State Manual which shall be published annually or biennially under such name as the department and the Governor shall determine The members and officers of the Senate and House of Representatives shall be given for distribution of said publication not less than the number that they were heretofore given of Smull's Legislative Hand Book The number to be published for the several State departments boards and commissions shall be fixed by the department with the approval of the Governor If in the judgment of the department it is deemed advisable to publish copies of said manual in addition to those herein authorized which can be sold at the cost of printing and binding the department is authorized to publish such additional copies and pay the amount realized from the sale of same to the State Treasurer through the Department of Revenue

(d) To enter into contracts for furnishing all printing used in the legislative and other departments of the government and the printing binding and distributing of the laws journals department reports and all other printing and binding lithographing cuts plates dies and supplies and material incident thereto which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor Auditor General and State Treasurer

(e) To distribute all documents upon requisition of the persons entitled to make requisition therefor by causing the same to be packed in packages or boxes addressed as reqired in the requisition and delivered personally at the office of the department or free at the post office express or freight office indicated in the requisition Provided That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for documents allocated to such department board or commission shall have been expended for such department board or commission

(f) To furnish blank requisition forms at cost to all persons entitled to make requisitions upon the department for documents stationery furniture or supplies of any character

(g) From time to time to solicit by advertising proposals for the purchase of all waste paper documents and other materials that have been accumulated and are no longer needed and the department is hereby authorized to make sale thereof by contract or contracts to the highest bidder upon such terms and conditions as it shall determine but the department shall have the right to reject any and all proposals for the sale The proceeds of any such sale shall be paid into the General Fund in the State Treasury through the Department of Revenue

(h) To publish advance sheets of the Pamphlet Laws and to transmit one copy thereof by mail to each department board and commission of the State Government to each prothonotary and to each law judge of the courts and to every county and public library of this Commonwealth and to each member of the General Assembly Such copies shall be furnished without charge The department shall also mail to any persons who shall pay to it the sum of five dollars one copy of each such law enacted during any legislative session All moneys received hereunder shall be paid into the General Fund in the State Treasury through the Department of Revenue

(i) To copyright in the name of the Commonwealth all publications of the Commonwealth or of any department board or commission or officer thereof including the State Reports which under existing or future laws it shall be necessary to have copyrighter and such other publications as the Secretary of Property and Supplies with the approval of the Governor shall deem it advisable to copyright

(j) To distribute to the public upon payment to the department of such sum per copy as shall cover the cost of publication any documents published by the department for the Commonwealth or any department board commission or officer thereof which shall cost more than five cents per copy to publish except documents published for the Governor and the General Assembly which shall be distributed without charge as heretofore To administer this subsection the department may publish for free distribution to applicants therefor a price-list showing the publications which the department is prepared to furnish to the public and the charges for each such document All moneys collected by the department hereunder shall be paid through the Department of Revenue into the General Fund in the State Treasury except that if the cost of publishing any document sold by the department hereunder shall have been paid out of any special fund in the State treasury the proceeds of the sale thereof shall be paid into such special fund through the Department of Revenue

Section 2407 Automobiles The Department of Property and Supplies shall upon the effective date of this act take over and thereafter assume responsibility for the maintenance and operation of all automobiles owned by the Commonwealth or any administrative department board or commission thereof except the Department of Highways

After the effective date of this act all automobiles required for use by the administrative departments boards commissions and officers of the State Government shall be purchased by the Department of Property and Supplies but in purchasing automobiles required for the use

of any department board or commission having authority to purchase automobiles out of money appropriated to it the Department of Property and Supplies shall act as purchasing agency

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth except those operated by the Department of Highways unless in any case it shall specifically authorize any department board commission or officer to make or order the making of repairs to any specified automobiles and except emergency repairs necessarily made while any automobile is away from its garage

The Department of Property and Supplies may assign to any department board or commission such automobiles as may be required by it for full-time daily use and such automobiles shall be operated by employes of such departments boards or commissions The Department shall maintain a sufficient number of automobiles not assigned to departments boards or commissions to meet the requirements of departments boards and commissions which do not require the full-time daily use of automobiles and to meet extraordinary and occasional demands of all departments boards and commissions other than the Department of Highways Such automobiles with or without chauffeurs shall be furnished to departments boards or commissions upon requisition of the heads of the respective departments or of the executive officers of the respective boards or commissions This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes

The cost of oil gasoline tires repairs parts for and repairs to automobiles permanently assigned to departments boards and commissions shall be paid out of the appropriations to such departments boards and commissions but the Department of Property and Supplies shall contract for all such oil gasoline tires repair parts and repairs except that repairs may be made by the Department of Highways and if authorized as hereinbefore provided by other departments and by boards and commissions For the use of other automobiles departments boards and commissions shall be billed by the Department of Property and Supplies upon a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments boards or commissions to the Department of Property and Supplies and shall be by it paid into the General Fund of the State Tresaury through the Department of Revenue

The Department of Property and Supplies shall require every administrative department including the Department of Highways and every independent administrative and departmental administrative board or commission to report to it monthly upon forms supplied by it and with such detail as it shall require the places to and from which each automobile was operated the mileage travelled the amount of oil and gasoline purchased the names of employes of the department board or commission operating each automobile the names of the employes of the department board or commission for whom the automobiles were operated and such other information as may be necessary to enable the Department of Property and Supplies to make and keep complete records of the use and cost of operation of all State automobiles except that it shall not be necessary for the Department of the Auditor General the Treasury Department or the Pennsylvania State Police to report the places to and from which or the names of the persons by or for whom automobiles were operated

The types and number of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board

Section 2408 Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies or to any other department or to any administrative board or commission for the erection of new buildings or sewage or filtration plants other service systems or athletic fields or other structures or for alterations or additions or repairs to existing buildings or to such plants systems fields or structures to cost more than [ten thousand dollars ($10,000)] one thousand ($1,000) the following procedure shall apply unless the work is to be done by State employes or by inmates or patients of a State institution or State institutions or unless the department board or commission to which the General Assembly has appropriated money for the foregoing purposes is by this act or by the act making the appropriation authorized to erect alter or enlarge buildings independently of the Department of Property and Supplies or under a different procedure

(a) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission such department board or commission shall notify the Department of Property and Supplies as soon as it is ready to have plans and specifications for the work prepared

(b) Promptly after such notice in such cases or promptly after any appropriation made to it becomes available the Department of Property and Supplies shall select an architect and if necessary an engineer or both to design the work and prepare the specifications therefor but in the case of a building to be done for the use of any other department or any board or commission (unless the building is on the Capitol grounds) the selection of the architect and engineer if any shall be subject to approval by such department board or commission and in case of departmental administrative boards or commissions by the departments with which such boards or commissions are respectively connected Any architect or engineer so selected and approved shall submit promptly the name or names of his associate architect or engineers to the Department of Property and Supplies for its approval

(c) The Department of Property and Supplies shall enter into a contract with the architect [and] or engineer [if any] which shall provide a date for the completion of the plans and specifications and that the plans and specifications must meet with the approval of the department board or commission for which the building is being erected altered or enlarged (unless the building is on the Capitol grounds) and in the case of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected to the extent of the type and general character of the building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared that the plans drawings and specifications must be approved by the Department of Property and Supplies that the exterior design of the building must be approved by the State Art Commission and that the plans and specifications must be approved by the Department of Labor and Industry and the Department of Health to the extent to which those departments respectively have jurisdiction to require the submission to them for approval of certain features of the building Such architect [and] or engineer [if any] in preparing plans and specifications shall consult with the department board or commission for which the building is to be erected altered or enlarged [(unless the building is on the Capitol Grounds)] but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications within the time prescribed in the architect's [and] or engineer's contracts unless it shall agree to an extension thereof

Every department board or commission whose approval of plans [or] and specifications is required hereunder

shall within [sixty] twenty days after submission thereof by the architect or engineer approve or disapprove all sketches drawings specifications and other documents and shall inform the architect or engineer of decisions in such reasonable time as not to delay him in his work

(d) Upon the completion of the plans and specifications and their approval by all necessary State agencies the Department of Property and Supplies shall invite proposals by advertisements inserted at least three times in not less than six or more than twelve newspapers of large general circulation in different parts of the Commonwealth The first and last publications of any such advertisement shall be at least ten days apart and the department shall not advertise hereunder in more than three newspapers in the same county

(e) The department may invite proposals either for completely erecting altering or adding to any building or separately for parts of the work or both Whether it shall invite proposals for part of the work and if so for what parts shall rest within the sole discretion of the department

(f) All proposals shall be accompanied by certified or bank checks in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement and shall be publicly opened and tabulated at the time and place specified in the advertisement

(g) The department shall as soon as practicable award the contracts to the lowest responsible qualified bidder but it shall have the right to reject any or all bids to waive technical defects and to accept or reject any part of any bid if in the judgment of the department the best interests of the Commonwealth shall require it The successful bidder shall also deliver to the Commonwealth at the time of execution of the contract a surety bond having as surety a surety company authorized to transact business in this Commonwealth or two individual sureties approved by the Department of Justice in the amount of ten percentum (10%) of the contract price as surety against defective or inferior materials or workmanship which may develop during the period of one (1) year from the date of completion and acceptance of the work performed under the contract

(h) No proposal for any contract shall be considered unless accompanied by a certified or blank check as prescribed by the department at the time of advertising A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded must within ten days after such award substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work as shall have been prescribed by the department in its invitation for proposals and an additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work as prescribed by the department in its invitation for proposals conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work whether or not the material or labor enter into and become component parts of the building Such additional bond shall be held by the Department of Property and Supplies for the use of every party who whether as sub-contractor or otherwise has furnished material or supplied or performed labor in the prosecution of the work as above provided and who has not been paid therefor and among other things shall provide specifically that any such party may bring a suit thereon in the name of the Commonwealth for his their or its own use prosecute the same to final judgment for such sum or sums as may be justly due and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expenses of any such buit Each surety bond required hereunder shall have as surety a surety company authorized to transact business in this Commonwealth or two individual sureties approved by the Department of Justice

(i) No contract shall be valid or effective unless a certified copy thereof detail break-down sheet of the work and contract price of the work involved shall have been filed in the offices of the Auditor General the State Treasurer and the department board or commission for which the work is to be done promptly after the execution of the contract

(j) The enforcement of all contracts provided for by this section shall be under the control and supervision of the Department of Property and Supplies In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract and on the specifications such disagreement shall be subject to decision by the Department of Justice and its decision shall be final

(k) The Department of Property and Supplies shall examine all bills on account of the contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in a workmanlike manner and in accordance with the contract approve the bills and issue its requisition therefor or forward its certificate to the proper department board or commission as the case may be

(l) The Department of Property and Supplies shall have the right to engage the services of any consulting or supervising engineer or engineers whom it may deem necessary for the proper designing of or inspection or supervision of buildings erected altered or enlarged by the department hereunder

(m) Changes in the plans or specifications or both may be made after their approval only with the consent of all of the departments boards and commissions whose approval of the original plans or specifications or both was necessary hereunder

(n) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission the Department of Property and Supplies shall award and enter into the contract as agent for the department board or commission to which the appropriation was made

Section 2409 Method of Awarding Contracts for Stationery Paper Fuel Repairs Furnishings and Supplies The Department of Property and Supplies shall [on or before the first day of February in each year] notify the Governor the several administrative departments the independent administrative departmental administrative and advisory boards and commissions the chief clerks of the Senate and House of Representatives and the proper officers of the judicial department respectively to furnish at such times as the Department of Property and Supplies may require lists of all equipment furniture and furnishings supplies repairs alterations improvements fuel and all other articles that may be needed by their respective departments boards or commissions or the Senate or the House of Representatives for [the fiscal year beginning the first day of June next following] such periods as the Department of Property and Suplies shall prescribe excepting only perishable foodstuffs [and fuel] for the State institutions and repairs or alterations which are not to be made by the Depratment of Property and Supplies

Upon receipt of such lists the Department of Property and Supplies shall as far as practicable consolidate and classify the articles named therein taking care that there shall be full descriptions given with make and number of goods when possible and proper maximum price fixed and shall prepare annual semi-annual or quarterly schedules thereof as deemed for the best interests of the Commonwealth Whenever deemed necessary it shall have plans designs and specifications prepared of any equipment furniture or furnishings repairs alterations and improvements paying for the preparation of the same out of the funds appropriated to the department

The department shall state in the schedules that the work or articles for which the plans designs and specifications are prepared are to be done or furnished in accordance therewith and that the plans designs or specifications will be found in its office for inspection and copies of the same shall be furnished to the successful bidders The schedules shall state that bids will be received on one or more of the items of any classification of the schedules In such schedules the form of proposal shall be given

and all other information which the department shall consider necessary for the bidder In preparing the lists or schedules the department shall in all cases give preference to goods of American production or manufacture The quantities given in the schedules shall be the estimated maximum quantities that are likely to be required during the term of contract but the schedule shall in all cases provide that the goods shall be furnished in greater or less quantity and at such times as the needs of the departments boards commissions and the Senate and House shall require

The schedules shall also provide whenever practicable a per diem penalty or forfeiture after a stated time for the failure of a contractor to finish or furnish the work or materials contracted for which penalty or forfeiture shall be deducted by the Auditor General from the amount of the contractor's bill before settlement is made when so directed to do by the department

The department after conferring with the heads of the various departments boards commissions and the chief clerks of the Senate and House shall have the power to make such changes in the schedules as may be deemed proper and may standardize any or all articles therein When the schedules have been finally prepared they shall be [printed in pamphlet] prepared in such form as the department shall deem advisable and shall be the schedules of stationery paper supplies fuel equipment furniture furnishings repairs alterations improvements matters and things needed for the public grounds and buildings the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion

The department shall not less than six weeks prior to the termination of schedule contracts now existing or that may be made in the future advertise the opening of bids for the annual semi-annual or quarterly schedules by advertising inserted for at least three days the first and last publication to be at least ten days apart in not less than six or more than twelve newspapers of extensive general circulation in different parts of the Commonwealth not more than three of which shall be published in any one county invite sealed proposals for contracts to furnish all stationery supplies paper and fuel used by the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion and for repairing altering improving furnishing or refurnishing and all other matters or things required for the public grounds and buildings legislative halls and rooms connected therewith the rooms of the several departments boards and commissions and the buildings connected with the State Capitol and the Executive Mansion the advertisement shall contain a reference to the schedules so [printed] prepared by the department and as briefly as practicable invite bids for the furnishing of articles named in the schedules and give notice of the time and place where such bids will be received and when they will be opened

All proposals shall be delivered to the department on or before [twelve o'clock meridian] the hour designated in the proposal on the day set by the department following the date of the last advertsement and each bid shall be in duplicate one of which shall be marked "Duplicate Bid" Each bid together with the proper certified or bank check as provided for in this act shall be enclosed in an envelope securely sealed and shall be mailed or delivered to the department which shall retain all envelopes unopened until the time fixed for the opening thereof

The department shall on the date fixed for opening of bids at [twelve o'clock meridian] the hour designated in the proposal open and publish said proposals and as soon thereafter as practicable award the contracts to the lowest responsible bidder on each of the items of the several classifications of the schedules The department shall have the right to reject any or all bids The bids when opened shall be tabulated and shall be subject to examination by bidders A record of all bids shall be made by the department in a book kept for that purpose

When no proposal has been received or if for any reason the department shall reject all proposals the department shall reject all proposals the department shall advertise again for proposals giving at least fifteen days' notice of the time of receiving the same which proposals shall be opened awarded and approved in like manner as heretofore provided

[No] Except as hereinafter provided no proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check to the order of the State Treasurer in one-fourth the amount of the estimated contractor by a bond in such form and amount as may be prescribed by the department Any such bond shall be conditioned for the faithful performance of the terms of the contract if awarded and shall have as surety one surety company authorized to act as surety in this Commonwealh or two individual sureties approved by the Department of Justice

A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded may within ten days after such award substitute for said check a bond as herein prescribed otherwise said check shall be retained in lieu of a bond

The department may in its discretion permit a bidder to file a bond for an annual period to cover proposals that may be made from time to time by such bidder during such period Such bond shall be in such amount as the department may determine and may be increased from time to time as the department may require in order to keep the same commensurate with proposals made from time to time by such bidder during such period Any such bidder to whom a contract shall have been awarded shall within ten (10) days after such award file a bond conditioned for the faithful performance of the terms of the contract

The department may in its discretion permit a bidder to file a bond to cover proposals made by and the performance of contracts awarded to any such bidder during an annual period Such bonds shall be in such amount as the department may prescribe and may be increased from time to time during the annual period by the department to keep the same commensurate with the contracts awarded to such bidder during such period

In the event that any contractor shall fail to fulfill or comply with the terms of any contract such contract shall be awarded to the next lowest responsible bidder and the department shall request the Department of Justice to bring suit against the failing contractor or his sureties to recover the loss sustained by the Commonwealth by the reletting

All conrtacts awarded shall be severally void unless first approved by the Governor the Auditor General and the State Treasurer and when so approved together with all checks or bonds given for their faithful performance be filed with the department which shall keep a record of the same and shall within twenty days after the award certify copies of all said contracts to the Auditor General The bonds and certified checks of all unsuccessful bidders shall be returned to such bidders as soon as practicable after contracts have been awarded and approved but not later than sixty days after the date of opening the proposals

The enforcement of all contracts provided for by this act and of all similar contracts heretofore entered into and now in force shall be under the control and supervision of the department

The department shall receive from the contractor or contractors the articles mentioned in the schedules Articles contracted for must be furnished promptly It shall be the duty of the department to reject all articles not up to the standard required and if a contractor shall fail to exchange them for articles that meet the requirements prescribed or shall fail to deliver any article within a reasonable time the department may go into the open market and purchase articles to take the place of those adjudged to be of inferior quality or which have not been delivered and deduct the expense including any excess in price over that called for in the contract from the amount due the contractor from the Commonwealth If the amount due said contractor is not sufficient to meet such expenses and excess price paid for the articles purchased the department may proceed against the contractor or his sureties under

the bond aforesaid by proper action through the Department of Justice

In all cases where a lump sum contract containing a provision for partial payments on account of materials delivered and work done is entered into by the department a percentage to be fixed by the department of the amount due as set forth in the contract shall be withheld from the contractor by the Auditor General until the department shall certify that the contract has been fully complied with

The department except in those cases where the department acts in the capacity of purchasing agent shall examine all bills on accounts of contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work of labor has been performed in accordance with the contract and approve the bills When so approved the bills shall be audited settled and paid by the Auditor General and State Treasurer in the manner provided by law

It shall be the duty of the department when the articles named in the schedules are received from the contractors to care for them properly in storage rooms and the department shall be held responsible for their safekeeping

The Board of Commissioners of Public Grounds and Buildings shall provide suitable storage rooms for the furniture stationery supplies and fuel that may be procured

Whenever the Governor the heads of departments the executive officers of independent administrative boards and commissions the chief clerks of the Senate and House of Representatives or the proper officers of the judicial department shall require any portion of the stationery supplies fuel furniture furnishings repairs alterations improvements and other matters or things appearing in the schedules for which contracts have been awarded by the board a requisition giving number and description of the item needed shall be made on the department which shall cause the article to be delivered taking a proper receipt therefor

Whenever any administrative department or any independent administrative or departmental administrative board or commission shall call upon the department to purchase for it as purchasing agency any article named in the schedules if the department has such article on hand it may deliver the same to such department board or commission and forthwith [as purchasing agency for such department board or commission purchase another article to replace the article so delivered such replacement] bill such department board or commission for the cost of the same such bill to be paid for out of the appropriation available to the department board or commission for the purchase of the article

In the event that requisitions are made upon the department for any article of furniture furnishings stationery supplies fuel or any other matter or thing the want of which was not anticipated at the time of the making of the schedules the department may in its discretion invite proposals from at least two responsible bidders unless the article can be procured from only one source and when one proposal shall be invited such proposal or proposals together with such requisition or requisitions shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval [at its next meeting] Provided however That the department may in its discretion purchase in the open market without inviting any proposal any such article costing less than fifty dollars but all such purchases shall be reported to the Board of Commissioners of Public Grounds and Buildings at its next meeting

Whenever any contract for the furnishing of materials for use in the construction or maintenance of highways exceeds five hundred dollars ($500.00) in amount and includes the performance of labor or the use of other materials in the delivery of such material to the site of the work or in the incorporation thereof into the completed structure the Department of Property and Supplies shall require the contractor to furnish an additional bond conditioned for the payment of labor and materials in the same manner as is required by paragraph (h) of section two thousand four hundred and eight of the Administrative Code to which this act is an amendment

Section 2414 State Art Commission Subject to any inconsistent provisions in this act contained the State Art Commission shall have the power and its duty shall be to examine and approve or disapprove the [exterior] design and proposed location of all public monuments memorials buildings or other structures except in cities of the first or second class in accordance with the act approved the first day of May one thousand nine hundred and nineteen (Pamphlet Laws one hundred three) entitled "An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings requiring the approval of the commission of the design and location of all public monuments memorials buildings or other structures and certain private structures proposed to be erected anywhere in this Commonwealth other than in cities of the first and second classes" and any amendments thereto

Section 2 That article twenty-six of the said act is hereby amended to read as follows

Article XXVI

Powers and Duties of the [Board of Game Commissioners] Pennsylvania Game Commission and Its Enforcement Officers

Section 2601 Powers and Duties in General The [Board of Game Commissioners] Pennsylvania Game Commission shall subject to any inconsistent provisions in this act contained [continue to] exercise the powers and perform the duties by law vested in and imposed upon the said [board] commission

Section 2602 Enforcement of Game Laws The [Board Game Commissioners] Pennsylvania Game Commission shall have the power and its duty shall be

(a) To protect propagate and preserve the game furbearing animals and protected birds of the Commonwealth and to enforce by proper action and proceedings the law relating to the same

(b) To appoint such number of game protectors as the Governor shall approve at such compensation as the Governor shall approve to assist the [board] commission in the proper discharge of its duties and such number of deputy game protectors as the Governor shall approve Deputy game protectors shall not receive any compensation for services rendered or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the [secretary of the board] executive director of the commission

The [secretary of the board] executive director of the commission shall be the Chief Game Protector and shall have the direction supervision and control of the other game protectors

Section 2603 Special Hunters' Licenses The [Board of Game Commissioners] Pennsylvania Game Commission shall have the power to issue special deer licenses special licenses to persons of known scientific attainment agents of public museums teachers of ornithology breeders taxidermists and fur dealers and other special licenses upon such terms and conditions and upon payment of such fees as may from time to time be provided by law

Section 2604 State Game Refuges and Farms The [Board of Game Commissions] Pennsylvania Game Commission shall have the power to acquire lands with or without mineral reservations by purchase lease or gift and to establish and maintain State Game Refuges and Game Farms State Game Propagation Areas and Special Preserves for the protection and propagation of game as may now or hereafter be authorized by law

Section 2605 Powers of Game Protectors Each member of the [Board of Game Commissioners] Pennsylvania Game Commission the executive [secretary] director of the [board] commission each game protector and each deputy game protector shall have the power

(a) To enforce all the laws relating to game or other wild birds or wild animals and to go upon any property outside of buildings posted or otherwise in the performance of his duty

(b) To execute all warrants and search warrants for

the violation of the laws relating to game or other wild birds or wild animals

(c) To serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to game or other wild birds or wild animals

(d) To carry firearms or other weapons concealed or otherwise in the performance of their duties

(e) To arrest without warrant any person found in the act of violating any provisions of the laws relating to game or other wild birds or wild animals or in pursuit immediately following such violations or any person whom they have reason to suspect as being an unnaturalized foreign born resident when such person has in possession a firearm or a dog of any kind

(f) To call upon any citizen of this Commonwealth for assistance in making arrests

(g) To search without warrant and examine any person or any boat conveyance vehicle game bag game coat or other receptacle for game or any camp tent or cabin in the presence of any person stopping at or belonging to such camp tent or cabin or any roster when he has reason to believe and has stated to the suspected person or persons in charge his reason for believing that any of the laws relating to game or other wild birds or wild animals has been violated

(h) To secure and execute search warrants and in pursuance thereof to enter any building enclosure or car and to break open any apartment chest locker box trunk crate basket bag package or container and to examine the contents thereof

(i) At any time in any manner or for any purpose to seize and take possession of all birds or animals which have been caught taken or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to the laws of this Commonwealth (j) To seize all guns shooting or hunting paraphernalia traps dogs boats decoys or other appliances used in violation of any of the laws relating to game or other wild birds or wild animals when making an arrest or found in the execution of a search warrant

(k) To administer any oath required by the provisions or relative to any violation of any law relating to game found in a camp or in possession under control or other wild birds or wild animals and where game is found in a camp or in possession or under control of any individual or hunting party to question such person or persons under oath relative to the taking ownership or possession of the same

Section 3 That article twenty-eight of the said act is hereby amended to read as follows

Article XXVIII

Powers and Duties of the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission

Section 2801 Powers and Duties in General [The Public Service Commission of the Commonwealth of Pennsylvania shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in and imposed upon the said commission] The Pennsylvania Public Utility Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon such commission

[Section 2802 Public Company Law The Public Service Commision of the Commonwealth of Pennsylvania shall have the power and its duties shall be

(a) To administer and enforce the act approved the twenty-sixth day of July one thousand nine hundred and thirteen entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroads corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damage resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determination by the courts of common pleas and giving the Court of Common Pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloading within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended and supplemented

(b) To certify to the Sanitary Water Board any question of fact regarding the purity of water supplied to the public by any public service company over which it has jurisdiction when any such question arises in any controversy or other proceeding before it and upon the determination of such question by the Sanitary Water Board to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose

Section 2803 Elevated and Underground Railways The Public Service Commission of the Commonwealth of Pennsylvania shall have the power and its duty shall be to exercise the powers and perform the duties heretofore by law vested in and imposed upon the board consisting of the Governor the Secretary of the Commonwealth and the Attorney General by the act approved the twentieth day of June one thousand nine hundred and one (Pamphlet Laws five hundred and seventy-seven) entitled "An act providing that no company hereafter formed for the purpose of construction and operation of a passenger railway either elevated or underground or partly elevated or partly underground with incidental surface rights shall be incroporated except where the same shall be located upon streets in thickly populated regions and until the necessity for such railways shall have been passed upon by a board consisting of the Gov-

ernor the Secretary of the Commonwealth and the Attorney-General after notice" which reads as follows

"Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no letters patent shall be issued to any company nor shall any corporation be otherwise created for the construction of an elevated or underground or partly elevated and party underground passenger railway except the same shall be located upon over under across through or along a street road or highway in a thickly populated locality where the surface travel is congested nor unless and until the necessity for the construction and operation of said railway shall have been passed on and approved by a board consisting of the Governor the Secretary of the Commonwealth and the Attorney General after thirty days' public notice published as shall be prescribed by said board"]

Section 4 That at the end of Article five of the said act the following new section is hereby added

Section 524 Disposition of Useless Records Except as otherwise provided by law whenever any administrative department board or commission shall have an accumulation of files of correspondence reports records or other papers which are not needed or useful in the transaction of the current or anticipated future work of such department board or commission and which date back a period of four years and more it shall be the duty of the head of such department board or commission to submit to the Executive Board a report of that fact accompanied by a concise statement of the condition quantity and character of such papers If the Executive Board shall be of the opinion that such files of correspondence reports records or other papers or any part thereof are not needed or useful in the transaction of the current or anticipated future work of such department board or commission the head of such department board or commission shall place such files or any part thereof as the case may be in the custody of the Department of Property and Supplies and such department is hereby authorized to dispose of the same as waste paper in the manner prescribed in this act for the sale of unserviceable property Provided however That the Executive Board with the approval of the Department of Public Instruction may direct that any such files of correspondence reports records or other papers or any part thereof that are of historical interest be turned over to the Department of Public Instruction for preservation for historical purposes

Section 5 That at the end of Article eighteen of the said act the following new sections are hereby added

Section 1822 Powers and Duties of the State Parks Commission The State Parks Commission shall have the power and its duty shall be

(a) To act as a central advisory agency for all State parks and parkways and all places of historic scientific scenic or wild life interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

(b) To formulate and recommend to the Department of Forests and Waters plans for acquisition of lands improvements construction management use and extension of parks parkways and other places of historic scientific scenic or wild life interest which are or hereafter may be under the jurisdiction of the Department of Forests and Waters and plans for the establishment of a park policy for the Commonwealth

(c) To make available in its discretion information on parks and recreational facilities and to advise as to connections and relations between State parks and other parks within the Commonwealth

(d) To assist in the preparation of State park budgets to be submitted to the General Assembly

(e) To divide the Commonwealth into not less than four (4) park regions to be governed by Regional Park Boards as herein provided for

(f) To adopt such rules and regulations not inconsistent with law for the control management protection development and use of State parks as it may deem proper in aid of its powers and to insure a wise and orderly use of State parks and other places of interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

Section 1823 Powers and Duties of State Park Boards The Regional State Park Boards shall act as advisory agents to the State Parks Commission and to the Department of Forests and Waters and shall formulate and recommend through the assistant executive officers appointed by the Department of Forests and Waters of their respective Park Regions plans for the location acquisition development construction use and extension correlation and management of State parks parkways and places of historic scientific scenic or wild life interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

Section 6 That at the end of Article twenty-five of the said act the following new section is hereby added

Section 2503 State Athletic Commission The State Athletic Commission shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in such commission It shall administer the laws allowing and regulating boxing sparring and wrestling matches and exhibitions within this Commonwealth

Section 7 The members (exclusive of the ex officio member) officers and employes of the State Athletic Commission which is transferred by this act from the Department of Military Affairs to the Department of Revenue shall continue to be the members officers and employes of such commission and to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions Such members officers and employes shall retain all accrued retirement rights and their services shall be deemed to be continuous as if such commission had not been transferred as aforesaid

Section 8 The following acts and parts of acts are hereby repealed as respectively indicated

Sections one thousand four hundred eight and two thousand three hundred twenty-one of the act to which this act is an amendment absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred seventy-one) entitled "An act conferring upon the Department of Welfare subject to the approval of the proper board of trustees the power of fixing and establishing charges for services rendered by any State owned medical and surgical hospital" absolutely

Section 9 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I would like to interrogate the Senator from Luzerne, Mr. Mundy.

The PRESIDENT, will the Senator from Luzerne, Mr. Mundy, permit himself to be interrogated?

Mr. MUNDY. Mr. President, I will.

Mr. WOODWARD. Mr. President, I asked the sponsor of this bill the Senator form Luzerne, Dr. Mundy, if he would be interrogated and he suggested that if I would read the title of the bill, I would know all about it. Well, I read the title, and then on Thursday, it being a very dull day, I read the bill. I take exception to one of the paragraphs, Section 1802, page 43, lines, 10, 11, and 12, and the reason I take exception is this: that Thursday morning, one of the most intelligent committees of the Senate, and one of the ablest Chairman of committees, namely, the Committee on Forests and Waters met and considered a House Bill which raised the price of virgin forest lands, which extends the limit from ten dollars to twenty dollars an acre. We debated the merits of

the bill and we went to the trouble of calling up the department of Forests and Waters, and the reply from that department was that they were not particularly interested. After discussing the bill, we decided it was against public policy for the department of Forests and Waters to pay more than $10 per acre, namely, an increase of $10 more than they were in the habit of paying, and we therefore postponed the bill indefinitely. Now, when I read this No. 776, I find that the department in amending the administration code, which is supposed to switch the powers in departments to make them more efficient, inserted these three lines, "under forests and waters, "except the price paid for interior holdings and farms and marginal farms along State forest lands which shall not exceed twenty dollars per acre."

I maintain that this is not playing the game, after the Senate committee turned down that very amount, and that the Senate ought to support its committees. Therefore, I offer a strike out amendment, and I ask consent to strike out the $20 per acre. If the Chairman of the Committee wishes to say anything, I would be glad to hear from him.

Mr. RODGERS. Mr. President, it is quite true what Senator from Philadelphia, Mr. Woodward has said. In attempting to get an expression from the Department of Forests and Waters we were unable to do so from Secretary Bogardus because he was out of town, and I move that the bill go over in its order so that we may have an opportunity to confer with Secretary Bogardus, regarding that provision of the bill.

The PRESIDENT. The Chair suggests that, in speaking in a parliamentary sense, the amendments would not be in order unless we reconsider the vote by which the bill passed third reading.

BILL OVER IN ORDER

Is there objection to the bill going over in its order?
The Chair hears none. The bill goes over in its order.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 911, as follows:

An Act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits debts and interest on debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for refunds of such moneys and property and prescribing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Legislative Determination and Declaration of Policy It is hereby declared as a matter of legislative determination that the moneys and property hereinafter enumerated in this act are now and have heretofore been subject to escheat both under the common law and under the provisions and requirements of existing acts of Assembly

That it is both necessary and desirable to provide specific appropriate methods for the recovery of such money and property by the Commonwealth and the payment thereof into the State Treasury subject to being refunded to the persons legally entitled thereto without the necessity of instituting and prosecuting the proceedings for a formal decree of escheat thereof by the court having jurisdiction of said moneys and property

Therefore it is hereby declared to be the policy of the Legislature to provide and it is the purpose and intent of this act so to provide for the payment of such moneys and property hereinafter described into the State Treasury without escheat according to the provisions of this act and subject to being refunded to the persons legally entitled to the same

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Company" The word company shall include limited partnerships and unincorporated associations joint-stock associations public utility corporations insurance exchanges associations or corporations and any company or corporation incorporated and doing business under the laws of this Commonwealth except mutual savings fund societies and building and loan associations and except banks national banks bank and trust companies trust companies and other corporations associations partnerships limited partnerships and partnership associations engaged in the business of receiving money on deposit or securities or other property for safe-keeping

"Creditor" The word creditor shall include any person who has made deposits or advances of money or to whom dividends or profits have been declared or to whom debts and interest on debts have been owed or to whom the proceeds of any policy of insurance are due and payable

"Department" The Department of Revenue of this Commonwealth

"Person" Any natural person association or corporation

"Property" The word property shall include property and the profits accretions and any interest or rights accrued or declared thereon

The singular shall include the plural and the masculine shall include the feminine and neuter Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 Reports (a) In the month of January of each year reports shall be made to the department as follows

(1) Every company shall make a report of all dividends or profits declared by it to any stockholder or member and unclaimed for six or more successive years next preceding the first day of said month where funds have been provided by the company for the payment of said dividends or profits and of all debts and interest on debts due by it to any creditor for the payment of which debts or interest thereon funds have been provided by the company where said payments have been unclaimed for six or more successive years next preceding the first day of said month

(2) Every company shall make a report of any and all customers advances tolls or deposits held by it and under the terms of the deposit agreement due and owing to the person or company depositing the same and unclaimed by said person or company for six (6) or more successive years next preceding the first day of said month

(3) Every company shall make a report of the proceeds of any policy of life casualty indemnity or fire insurance awaiting due proof for payment or the surrender values of policies which have been surrendered by the policy holder or insured or have been surrendered or are surrenderable at the option of the insurer under the contractural agreement between the insurer and the insured or the portions of premiums held to the credit of any policyholder and any profits dividends or accretions there-

on which have been held and are owing by any company as hereinabove defined and have been unclaimed by and unpaid to the lawful owner thereof or to the person or persons legally entitled thereto for seven or more successive years next preceding the first day of said month

(4) (a) Every company shall make a report of any and all stock or certificates of beneficial interest of whatsoever nature issued by or authorized to be issued by such company which have been demandable and have been and remain unclaimed by the person legally entitled thereto for six or more successive years next preceding the first day of said month

(b) The said period of six or seven years as the case may be shall be computed from the date when the moneys or property required to be reported under the provisions of this act first became due and payable to or became demandable by the person legally entitled thereto and said period shall not be affected terminated renewed or extended in any way by a transfer or delivery of possession of such moneys or property or an assignment of title or interest to such moneys or property by any company to any other company whatsoever

(c) Every report required by this section shall show the names and addresses of said stockholders members or creditors and the names and addresses of the depositors of said moneys or property or the names and addresses of the persons entitled to demand the said stock or the proceeds surrender values or premiums of said policies of insurance so far as known and if any such facts be not known it shall be so stated and such facts or particulars as are known shall be stated Such reports shall contain such other information as is required by the department and shall be verified by affidavit of the persons making the same and in the case of a corporation or other person not a natural person shall be made and verified by affidavit of the treasurer or chief fiscal officer thereof said affidavit to declare that the report is true and contains all facts required by law to be reported

Section 4 Inquisitorial Powers of the Department (a) Every company liable to make such report shall permit the department acting through any deputy clerk accountant or attorney designated by it for that purpose to inspect the records books and papers of such company relating to the subject matter of such report and when required by the department by subpoena signed by the Secretary thereof designating a certain time and place any company or officer or employe thereof whether liable to make such report or not shall attend as a witness before any deputy clerk accountant or attorney designated by the department for that purpose with such records books and papers as the department may require and shall answer fully such questions as may then be put to him concerning the subject matter of this section and permit full inspection of such records books and papers

(b) No company or any officer or employe shall be excused from answering or from attending and testifying or from producing books papers and records in any proceeding criminal or otherwise relating to the subject matter thereof for the reason that the answer or testimoney or evidence documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture but no company shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may answer or testify or produce evidence documentary or otherwise in any such proceedings Provided That no officer or employe of such company shall be exempt from prosecution and punishment for perjury committed in so testifying

(c) If any company or any officer or employe thereof shall fail to comply with any summons of the department for the attendance of persons or for the production of books accounts documents or papers or shall refuse to be sworn as a witness or refuse to testify fully as such or if any person or corporation shall refuse to permit any person designated by the department to inspect books accounts documents or papers as required by this section the Attorney General acting for the department may apply by petition in the name of the Commonwealth to the court of common pleas having jurisdiction and the court shall make such order on reasonable notice to such company or the officers thereof as shall compel compliance with the law and the violation of such order shall be a contempt of such court and punishable as such The remedy herein provided shall be in addition to other remedies and penalties provided by law

Section 5 Notice to Owners of Dividends Etc (a) When any particular dividend profit debt or interest on debt customers deposits stock or proceeds of any policy of insurance shall be first reported to the department the department shall notify the persons entitled thereto of such fact by mail so far as possible and shall publish once a week for two weeks during the month of July in each year in one or more general newspapers having the largest circulation published in the city or county in which such company may be located a true and accurate statement containing the names addresses and amounts of money or character of property belonging or owing to such person or for whose benefit the same is held

(b) The department if it deems it to the best interests of the Commonwealth may make such publication in a legal periodical designated by rules of court for the publication of legal notices in addition to publication in a general newspaper

(c) It shall not be obligatory upon the department to publish any item of the above described moneys or property where the amount involved is less than ten dollars ($10) but publication of any such item may be made if the department thinks such publication is to the best interests of the Commonwealth

(d) The publications required by this section shall not be considered a condition precedent to the bringing of any action in the courts of the Commonwealth for the recovery or payment of such moneys or property into the State Treasury without escheat

Section 6 Index The department shall prepare and keep an alphabetical index for the names of all persons which shall appear upon the reports made to it under the provisions of this act which index shall contain a reference to the reports from which said names are derived and the department shall open said index and reports to public inspection and shall furnish a search of said index when requested upon payment of a fee of twenty-five cents (25c) and ten cents (10c) additional for each item shown by the search for the use of the Commonwealth

Section 7 Jurisdiction Whenever any moneys or property are required to be reported by any company under the provisions of this act the court of common pleas of the county in which the principal office of such company is located shall have jurisdiction of any and all proceedings or actions instituted by the Commonwealth for the recovery of such moneys or property or the payment thereof into the State Treasury without escheat

Section 8 Procedure for the Escheat of Moneys or Property Subject to Escheat The escheat of any moneys or property heretofore subject to escheat and required to be reported to the department under the provisions of this act may at the suggestion of the department be determined and enforced by an action in the nature of a bill in equity filed by and in the name of the Attorney General against the company and all of its stockholders creditors depositors policyholders or other persons for whom the company holds moneys or property required to be reported under the provisions of this act in the said court of common pleas Any such escheat proceedings may be so prosecuted whether such moneys or property shall have been reported to the department as required by the provisions of this act or have not been so reported Any number of items of such moneys or property may be joined in one action against one company though due and owing to or held and possessed for different persons

If service of the bill cannot be had on any persons legally entitled to the moneys or property required to be reported to the department service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which such person resides or in the case of a corporation in which it has its principal office and also when practicable for the same period in such a newspaper published in the county

within or without the Commonwealth where when last heard from by the company the person or corporation legally entitled to such property had its residence or place of business Publication may be made in such form as the court shall direct and need not contain any order or other paper in full If the person legally entitled to such property or his legal representatives shall appear within the time limited by the court and establish his right to recover said moneys or property from the company but for the provisions of this act and if this right shall not be barred by the statute of limitations or presumption of payment a decree shall be made for the payment of said moneys or other property to said person after paying his proportionate part of the costs of the cause and of said advertising Provided That such person legally entitled to such moneys or property may have any issue of fact determined by a jury and if he shall not so appear and establish such right a decree shall be made that said moneys or property has escheated and shall be paid by the company into the State Treasury through the department for the use of the Commonwealth The amount of such decree shall bear interest at the rate of twelve per centum per annum sixty days after the same is made and such decree shall be effectual to bar persons or companies legally entitled to said moneys or property from claiming the same from the company An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein A receipt of the department for any moneys or property paid over to the State Treasury in accordance with the provisions of such decree shall be a full and sufficient discharge to the said company from any further liability with respect to such moneys or property to any person or company legally entitled thereto

Section 9 Alternative Procedure for Payment into State Treasury without Escheat Whenever any company shall hold or be possessed of any items of money or property required to be reported under the provisions of this act the department may after such items have been reported to or otherwise ascertained by it and after notice and advertisement of such items shall have been given and made as required by this act if the number and nature of the items so held or possessed are in the opinion of the department such as to make such action desirable suggest to the Attorney General that instead of proceeding to secure a decree for the escheat of such items in the manner hereinabove prescribed the Attorney General apply by petition to said court for an order upon said company holding or possessed of such items of money or property directing the payment of the same without escheat into the State Treasury through the department to the credit of the Commonwealth together with interest thereon actually accrued if any to the date of the issue of said order or if the property consists of shares of stock or other securities that the same be sold in such manner as the court shall direct and the proceeds thereof be similarly paid into the State Treasury all amounts and proceeds so paid to be subject to being refunded by petition to the Board of Finance and Revenue as hereinafter provided

A receipt of the department for any moneys or property paid over to the State Treasury in accordance with the provisions of such order of court shall be a full and sufficient discharge to the said company from any further liability with respect to such moneys or property to any person or company legally entitled thereto

Section 10 Refunds (a) Any person legally entitled to any moneys which shall have been paid into the State Treasury under the provisions of an order of court entered upon petition of the Attorney General asking for the payment of such moneys into the State Treasury without escheat (or the legal representatives thereof) may at any time apply to the Board of Finance and Revenue for a refund of the same and upon his making proof of his ownership or right of possession to the satisfaction of the board such moneys shall be paid to such person on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith out of any moneys in the State Treasury appropriated for the purpose with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof Any moneys which shall have been voluntarily paid into the State Treasury or which shall have been paid in under the provisions of an order of court entered upon the petition of the Attorney General asking for the payment of such moneys into the State Treasury without escheat shall be refunded in the same manner and under the conditions herein above prescribed

(b) Any person legally entitled to any shares of certificates of stock or other securities which shall have been transmitted or delivered to the State Treasury through the Department under the provisions of an order of court entered upon petition of the Attorney General directing the transfer of such property to the State Treasury without escheat (of the legal representatives thereof) may at any time apply to the Board of Finance and Revenue for a return of said property and upon his making proof of his ownership or right of possession the Board of Finance and Revenue shall order the return of such property to the person legally entitled thereto In such event if the State Treasurer shall have converted such property into money authority to do so being hereby conferred the board shall order the refund of the proceeds thereof to the person legally entitled thereto together with interest at the rate of two per centum per annum from the date such property was so converted to the date of refund thereof

(c) Any claimant for any such refund of money or for the return of property may appeal by petition to the Court of Common Pleas of Dauphin County from an adverse decision of the Board of Finance and Revenue which court shall thereupon hear such testimony as may be offered in support of the claim and determine whether or not the claimant is entitled to any refund of money or return of property and if so the amount thereof or the nature or character thereof If the court finds that he is so entitled it shall report its findings to the board and order the making of a refund of the proper amount of money or the return of the said property Thereupon the refund shall be made or the return of the property shall be made in the manner hereinbefore provided No such appeal shall be entertained however unless the claimant shall file with his petition an affidavit that all proof which he proposes to offer in support of the claim had been presented to the Board of Finance and Revenue before that board acted adversely upon his claim

Section 11 Penalties Failure to Make Reports False Oath in Report Refusal to Testify (a) If it shall appear that any company failed at any time to make any report required under the provisions of this act such company shall be liable to pay to the Commonwealth interest at the rate of twelve per centum per annum from the time such report should first have been made to be computed upon the value of said reportable items as finally established in any proceedings under the provisions of this act and to be recovered in such proceedings

(b) The making of a wilful false oath in any report required under the provisions of this act shall be perjury and punishable as such according to law If any officer or employe of any company required to make a report under the provisions of this act shall fail to make such report when and as required by this act he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding ten thousand dollars ($10,000.00) or imprisonment not exceeding one year either or both in the discretion of the court

(c) Any officer or employe of any company required to make a report under this act who shall neglect or refuse to attend or testify or to answer any lawful question or to produce or permit inspection of any books papers and records if in his power to do so in obedience to a subpoena issued under any section of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding ten thousand dollars ($10,000.00) or imprisonment not exceeding one year either or both in the discretion of the court

Section 12 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part or section

thereof the remaining provisions of the act shall be given full force or effect as completely as if the part held unconstitutional had not been included therein

Section 13 Bar of Statutes of Limitations The bar of statutes of limitation and presumptions of payment shall not affect the duty of making reports and payments to the Commonwealth under the provisions of this act

Section 14 Information Fees No fee or reward shall be paid to any person for information which shall result in the report payment or escheat to the Commonwealth of any property which is the subject matter of this act

Section 15 Effective Date This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Heyburn,	Mallery,	Rupp,
Bean,	Huffman,	McCreesh,	Ruth,
Cavalcante,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,	Law,	Rodgers,	

NAYS—12

Buckman,	Ealy,	Owlett,	Scarlett,
Chapman,	Gelder,	Pierson,	Sordoni,
Deitrick,	Homsher,	Salus,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1017 (House Bill No. 2154), as follows:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

Whereas the present Session of the General Assembly has provided revenues of the Commonwealth amounting to three hundred fifty-four million dollars ($354,000,000) for general purposes for the biennial fiscal period beginning June first one thousand nine hundred thirty-seven and

Whereas such revenues though levied and assessed will not be available in large part for the current and other expenses of the State government until the later parts of the two fiscal years respectively of the said biennial fiscal period and the collectible revenues will not be sufficient to defray the current and other expenses of the State government during the earlier parts of such fiscal years respectively and

Whereas in order that the obligations of the Commonwealth may be met promptly and in order that the State government might not fail through lack of funds it is necessary temporarily to obtain funds to defray the current and other expenses of the State government during the fiscal period aforesaid until the revenues that are subsequently accruing to the State Treasury during said fiscal period are available for this purpose

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor the Auditor General and the State Treasurer on behalf of the Commonwealth of Pennsylvania are hereby authorized and directed during the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven from time to time to borrow on the credit of the current revenues of the Commonwealth of Pennsylvania such sum or sums of money not exceeding in the aggregate the sum of one hundred seventy-five million dollars ($175,000,000) as may be necessary to defray the current and other expenses of the State government during such fiscal years

Section 2 (a) Such loans shall be evidenced by notes of the Commonwealth of Pennsylvania All of said notes shall mature not later than the thirty-first day of May one thousand nine hundred thirty-nine Such notes are hereby declared to be tax anticipation notes Such notes or renewals thereof shall be issued from time to time for such total amounts in such sums and subject to such terms and conditions rates of interest not in excess of four and one half per centum (4½%) per annum and time of payment of interest as the Governor Auditor General and State Treasurer shall determine and direct

(b) All notes issued under the authority of this act shall bear the signatures of the Governor the Auditor General and the State Treasurer and a facsimile of the great seal of the Commonwealth

(c) The current revenues of the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-seven are pledged for the payment of principal and interest of such notes which wshall be payable in lawful money of the United States All notes issued under the provisions of this act shall be exempt from taxation for State and local purposes

Section 3 The proceeds derived from the negotiation of loans under the provisions of this act shall be paid into the General Fund of the State Treasury and shall be used for the payment of appropriations made from such fund to defray the current and other expenses of the State government for the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-seven

Section 4 Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund of the State Treasury during the two fiscal years beginning June first one thousand nine hundred thirty-seven and shall be paid out of such revenues and so much of such revenues as may be necessary for the payment of the principal and interest of such loans are hereby specically appropriated The Department of Revenue shall allocate such revenues to said payments The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated for the purpose of providing tax anticipation notes and incidental expenses in connection with the issuing of the same

Section 5 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 6 This act shall become effective immediately upon its final enactment

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Haluska,	Law,	Rupp,
Bean,	Henney,	Mallery,	Ruth,

Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Chapman,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
Dent,	Huffman,	Owlett,	Sones,
DiSilvestro,	Jacobs,	Pierson,	Sordoni,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1074, as follows:

An Act providing a method of annexation of boroughs to cities of the third class and regulating the proceedings pertaining thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever electors equal to at least ten per centum of the highest vote cast for any office in any borough contiguous to a city of the third class at the last preceding general election shall petition the council of the borough for the annexation of the borough to the contiguous city and for a referendum on the question of such annexation the council shall cause a question to be submitted at the primary general or municipal election occurring at least sixty days thereafter or if no such election shall occur within ninety days after the presentation of such petition then at a special election to be called and held as provided by the election laws of this Commonwealth within such period of ninety days The council shall certify a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election both in such borough and in the city of the third class to which annexation is desired in the manner provided by the election laws of this Commonwealth

Such question shall be in the following form

Do you favor the annexation of the borough of	Yes	
to the city of ..... ?	No	

If a majority of the persons voting on such question in the borough and a majority of the person voting on such question in the city shall vote "yes" then the borough shall on the first Monday of January next following be and become a part of the city of the third class

Section 2 Until changed in the manner provided by law the borough if not divided into wards shall constitute a separate new ward of the enlarged city and if the borough at the time of the annexation was divided into wards then each ward of the borough shall constitute a separate new ward of the enlarged city and shall be numbered by the council of the city consecutively beginning with the next highest number after the existing highest numbered ward of the city Until changed in the manner provided by law all election districts in the borough shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

Section 3 All the indebtedness of the borough annexed to a contiguous city of the third class under the provisions of this act as well as the indebtedness of the city to which the same is annexed shall be paid by the city as enlarged by such annexation and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city

All of the public property owned by any such borough shall become and remain the public property of the city to which it is annexed

Section 4 When an election is held on the question of annexation under the provisions of this act and the borough proposed to be annexed votes against such annexation the question of such annexation shall not again be voted upon for a period of two years from the date of such election

Section 5 The provisions of this act are in addition to and shall not be construed to repeal or affect any of the provisions of article five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

Section 6 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
Dent,	Huffman,	Owlett,	Sones,
DiSilvestro,	Jacobs,	Pierson,	Sordoni,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1081, (House Bill No. 1639), as follows:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents authorizing the preparation and equipment (including necessary construction) of the institution for such purposes either by the Department of Property and Supplies or The General State Authority and authorizing the necessary leases or conveyances for this purpose changing the name of the Board of Trustees of Pennsylvania Industrial School providing for the commitment and transfer of such persons to such institution and discharge therefrom conferring powers an dimposing duties on the aforesaid board of trustees the Department of Welfare and courts and imposing certain charges on counties

Whereas No suitable institution has heretofore been provided for the segregation of male defective delinquents and it is urgent that said cases be separated from per-

sons confined in penal and correctional institutions and in mental health hopsitals for the criminal insane and

Whereas A new industrial school is to be erected to which are to be transferred all persons detained in and presently committed to the Pennsylvania Industrial School at Huntingdon unless otherwise committed and

Whereas The vacation of said school for its present use will make available said institution in the future as an institution for the segregation of defective delinquents therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That upon the completion of the new Pennsylvania Industrial School in accordance with the provisions of the act approved the one thousand nine hundred and thirty-seven Act No. entitled "An act providing for the erection construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority authorizing the Commonwealth to lease the new school and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon and conferring powers and imposing duties upon certain State departments boards commissions and officers and the transfer thereto of all persons detained in the Pennsylvania Industrial School at Huntingdon unless otherwise committed the Department of Welfare with the approval of the Governor shall either through the Department of Property and Supplies or The General State Authority have Prepared and properly equipped (including any necessary construction) the said institution at Huntingdon and the farm connected therewith as a place for the reception care maintenance detention employment and training of defective delinquents who have been convicted of crime and who may hereafter be committed to said institution by the courts of this Commonwealth in accordance with this act

In the event it is determined to have the said institution prepared and equipped (including any necessary construction) by The General State Authority the Department of Property and Supplies with the approval of the Governor is hereby authorized to either lease for a period not in excess of ninety-nine (99) years or grant and convey to The General State Authority (whichever may be required by said Authority) such land and buildings comprising said institution as may be necessary to enable The General State Authority to prepare and equip the institution as aforesaid The Department of Property and Supplies with the approval of the Governor is hereby authorized to enter into a lease for not more than fifty (50) years with The General State Authority to acquire the use of the institution and its grounds after it is prepared and equipped by The General State Authority as aforesaid for use as a State institution for defective delinquents

Said institution shall be known as the Pennsylvania Institution for Defective Delinquents

Section 2 The management and operation of the Pennsylvania Institution for Defective Delinquents and the care and maintenance and employment of persons detained therein shall be the function of the Board of Trustees of Pennsylvania Industrial School (hereinafter called the board) and the Department of Welfare in the manner provided by the Administrative Code of 1929 and its amendments Provided That said board shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents The compensation of all officers and employes and all other expenses in connection with the care and maintenance of persons detained in said institution shall be paid from appropriations made to the Department of Welfare for such purposes but the Commonwealth shall be reimbursed for all such expenditures by the respective counties from which such persons were committed in the same manner and to the same extent as is now provided by law in the case of persons committed to the Pennsylvania Industrial School at Huntingdon

Section 3 When any person over the age of fifteen years is convicted of crime before any court or is held as a juvenile delinquent by any juvenile court or is detained in any prison industrial school workhouse house of correction penitentiary or any other penal or correctional institution under sentence and such person is in the opinion of the court or the superintendant jail physician or warden of the institution where maintained so mentally defective that he should be cared for and maintained in the Pennsylvania Institution for Defective Delinquents such superintendent physician or warden shall make application upon a form prepared by the Department of Welfare to the court having jurisdiction of the charge against such person which court upon the presentation of such petition or upon its own motion in case of convictions before it or juvenile delinquents appearing before it or upon application of the district attorney the defendant or counsel for the defendant or other person acting for the defendant shall order an inquiry by two qualified physicians or by a psychiatrist as now provided by law in case the person has not been sentenced who shall immediately examine the said person and make written report of its findings to the court If in the opinion of the physicians or psychiatrist the person so committed or convicted or held is mentally defective and has criminal tendencies whether or not coupled with mental instablility he or they shall so state in the report of their examination to the court The court may in its discretion summon other witnesses and secure further evidence If the court is then satisfied that the person thought to be mentally defective is not insane though is in fact mentally defective with criminal tendencies the courts shall order the commitment or transfer of such person to the Pennsylvania Institution for Defective Delinquents If any person who has been sentenced and is so committed or transfered shall recover the time during which he was in the Pennsylvania Institution for Defective Delinquents shall be computed as a part of the term for which he was sentenced In case sentence has not been imposed the court shall have power to commit such person to the Pennsylvania Institution for Defective Delinquents in lieu of sentence to a prison workhouse Pennsylvania Industrial School penientiary or any other penal or correctional institution where required by a relevant act of assembly or by law and direct the detaining of such defendant in such institution until the further order of the court

Section 4 The expenses of examination including the fees of the physicians and psychiatrists and all costs incident to the commitment transfer to and maintenance of such person in the Pennsylvania Institution for Defective Delinquents shall be borne by the county from which such person was committed

Section 5 A record shall be kept of each inmate setting forth his name age nationality date of admission and such facts concerning the life antecedents and environment as can be obtained either at the time of admission or later In case of transfers from other institutions all records applicable to the transferred person shall be filed with the institution to which transferred

Section 6 If the sentence of a person committed or transferred to the Pennsylvania Institution for Defective Delinquents shall expire before his recovery he shall be detained in the said institution until his mental condition has so improved as to warrant his discharge

Section 7 The Department of Welfare shall have power to provide for the employment of persons detained in the Pennsylvania Institution for Defective Delinquents in the shops and on the farm thereby providing vocational and agricultural training suited to the persons committed thereto Industries for the employment of inmates shall be established and maintained by the department at the Pennsylvania Institution for Defective Delinquents in the same manner as similar industries are maintained at penal institutions operated by the Commonwealth and like pay-

ments shall be made to inmates of said institution from the Manufacturing Fund as is provided by law in the case of State penal institutions

Section 8 The Department of Welfare shall have power to make all necessary rules and regulations not inconsistent with this act for the admission care detention employment discipline instruction and temporary or permanent release of all persons detained in said institution

Section 9 When in the opinion of the board it appears that the mental condition of any inmate has so improved that his release will be beneficial and not incompatible with the welfare of society the board shall notify the Department of Welfare whereupon such department may recommend the discharge of such inmate to the court committing or sending him to the institution which recommendation shall be accompanied by a record of the case setting forth the date of the original commitment the institutions in which such person was an inmate and the time spent in each the history of the case in the Pennsylvania Institution for Defective Delinquents and the opinion of the superintendent and physician as to the present mental condition of such inmate Whereupon the court may in its discretion after hearing all persons desirous of being heard issue an order under the seal of the court upon the Department of Welfare to discharge such inmate from the said institution

Section 10 This act shall not be construed to repeal or modify the provisions of the Mental Health Act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws 998) or the Psychiatrists' Act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 224)

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Huffman,	McCreesh,	Rupp,
Cavalcante,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Glison,	Lanius,	Rice,	Thompson,
Haluska,	Law,	Rodgers,	Wolfenden,
Henney,			

NAYS—13

Bean,	Ealy,	Homsher,	Salus,
Buckman,	Gelder,	Mallery,	Scarlett,
Chapman,	Heyburn,	Pierson,	Woodward,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1158, as follows:

An Act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever electors equal to at least ten per centum of the highest vote cast for any office in any township of the first class contiguous to a city or borough at the last preceding general election or whenever ten per centum of the qualified electors residing within any part of a township of the first class contiguous to a city or borough shall petition the council of such city or borough for the annexation of the township of the first class or part thereof to the contiguous city or borough and for a referendum on the question of such annexation the council shall cause a question to be submitted at the primary election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners of the county or counties in which any part of the city or borough or the township of the first class is located for submission of such question on the ballot or on voting machines at such election both in such township and in the city or borough to which annexation is desired in the manner provided by the election laws of this Commonwealth

Such question shall be in the following form

Do you favor the annexation of the township of ..... (or the part of the township briefly described) to the ctiy (or borough) of .....?	Yes	
	No	

If a majority of the persons voting on such question in the entire township and a majority of the persons voting on such question in the city or borough shall vote "yes" then the township of the first class or part thereof as the case may be shall on the first Monday of January next following be and become a part of the city or borough

All petitions shall be accompanied by a plot or plots of the territory to be annexed showing all streets and highways municipal improvements and public buildings and all petitions for the annexation of a part of a township of the first class shall include a description of the part of the township sought to be annexed

Section 2 Until changed in the manner provided by law the township of the first class or part thereof if not divided into wards shall constitute a separate new ward of the enlarged city or of the enlarged borough if such borough is at the time divided into wards and if the township or part of a township at the time of the annexation was divided into wards then each ward of the township or part of a township shall constitute a separate new ward of the enlarged city or borough (if divided into wards) and shall be numbered by the council of the city or borough consecutively beginning with the next highest number after the existing highest numbered ward of the city or borough Until changed in the manner provided by law all election districts in the township of the first class or part thereof shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city or borough All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

Section 3 In the case of the annexation of an entire township of the first class all the indebtedness of the township as well as the indebtedness of the city or borough to which the same is annexed shall be paid by the city or borough as enlarged by such annexation and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city or borough All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city or borough

All of the public property owned by any such township shall become and remain the public property of the city or borough to which it is annexed

Section 4 Where any part of any township of the first class is annexed to any city or borough the township officers of that part of the township not annexed and the city or borough council shall make a just and proper adjustment and apportion-

ment of all public property owned by the township at the time of annexation both real and personal including funds as well as of indebtedness if any to and between the township and the city or borough In making such adjustment and apportionment of the property and indebtedness the township and the city or borough shall be entitled respectively to share in a division of the property and indebtedness in the proportion that the assessed valuation of the land remaining in the township bears to the assessed valuation of the land annexed The adjustment and apportionment as made shall be reduced to writing in proper form and duly executed and acknowledged by the proper officials and filed in the office of the clerk of the court of quarter sessions in the county in which said city is located

Section 5 In case the council of the city or borough and the township authorities cannot make such amicable apportionment and adjustment of their property and indebtedness in compliance with this act within six months after any such annexation when the council or any officer of the township may present a petition to the court of quarter sessions of the county in which the city or borough is located whereupon the court shall appoint three disinterested commissioners residents and taxpayers of the county not residing in the city or borough nor in the township who after hearing notice of which shall be given to the city or borough and township interested as the court shall direct shall make report to the court making an apportionment and adjustment of all the property as well as indebtedness if any to and between the city or borough and the township said report to state the amount if any that shall be due and payable from the city or borough to the township or from the township to the city or borough as well as the amount of indebtedness if any that shall be assumed by the city or borough or by the township or both of them

Section 6 The commissioners shall give the city or borough and township at least five days notice of the filing of their report and unless exceptions are filed thereto by the city or borough or by the township within thirty days after filing thereof the same shall be confirmed by the court absolutely and any sum awarded by said report to the city or borough or to the township shall be a legal and valid claim in its favor against the city or borough or township charged therewith and the amount of debt if any apportioned to any city or borough or township shall be a legal and valid claim against such city or borough or township charged therewith and any property real or personal given and adjudged to the city or borough or the township shall become and be the property of the city or borough or the township to whichever one the same is given and adjudged and upon such report being confirmed such claim or indebtedness charged against any city or borough or against any township may be collected in the same manner as a judgment is collected against any city or borough or township Such commissioners shall be allowed five dollars per day for each day actually spent by them in the performance of their duties together with their actual necessary expenses All costs and expenses of such proceedings shall be apportioned by the court to and between the city or borough and the township as it shall deem proper

In case exceptions are filed to the report of such commissioners the court shall dispose of the same taking testimony therein if deemed advisable and the decision of the court thereon shall be final and binding on the several cities boroughs and townships unless an appeal is taken within thirty days to the Superior or Supreme Court as in other cases

Section 7 In cases in which such cities boroughs or townships of the first class are situated in two or more counties the court of quarter sessions of the county in which the city or borough is located shall have exclusive jurisdiction over the matter but the same shall be heard by a judge not a resident of either of the judicial districts affected who shall be called to preside specially in the matter and in such case the court shall appoint the commissioners hereinbefore provided for from both or all of such counties

Section 8 When an election is held on the question of annexation under the provisions of this act and the township of the first class proposed to be annexed or in which the territory proposed to be annexed is located votes against such annexation the question of such annexation shall not again be voted upon for a period of two years from the date of such election

Section 9 All proceedings for the annexation of a township of the first class or a part thereof to any city or borough under the provisions of any existing law that are pending and not finally disposed of on the effective date of this act shall in the discretion of the courts before which they are pending or if not pending in any court upon petition of any city borough or township affected to the court of quarter sessions of the county in which the township is located be discontinued and vacated and all proceedings for the annexation of any township of the first class or part thereof to any city or borough shall thereafter be had only under the provisions of this act

Section 10 The following acts and parts of acts and their amendments are hereby repealed so far as they relate to the annexation of a township of the first class or a part

The Act approved the twenty-eighth day of April one thousand nine hundred and three (Pamphlet Laws 332) entitled "An act for the annexation of any city borough township or part of a township to a contiguous city and providing for the indebtedness of the same"

The Act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 473) entitled "An act authorizing the annexation to cities of the second class of portions of townships not exceeding one hundred acres in area and totally surrounded by said cities and providing for the division of the assets and liabilities of said townships"

Article four of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs"

Article five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

All other acts and parts of acts inconsistent with or supplied by this act are hereby repealed

Section 11 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 12 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gilson,	Lanius,	Rupp,
Bean,	Haluska,	Law,	Ruth,
Buckman,	Henney,	Mallery,	Salus,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Chapman,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
Dent,	Huffman,	Pierson,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 32, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gilson,	Lanius,	Rupp,
Bean,	Haluska,	Law,	Ruth,
Buckman,	Henney,	Mallery,	Salus,
Cavalcante,	Heyburn,	McCreesh	Scarlett,
Chapman,	Homsher,	McGinnis,	Shapiro,
Deitrick	Howell,	Mundy,	Sipe,
Dent,	Huffman,	Pierson,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 69, entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Henney,	Law,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Reed,	Sones,
Frey,	Kilgallen,	Rice,	Stiefel,
Gilson,	Kunkel,	Rodgers,	Thompson,
Haluska,	Lanius,		

NAYS—14

Bean,	Ealy,	Mallery,	Rupp,
Buckman,	Gelder	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Wolfenden,
Deitrick,	Jacobs,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 148, as follows:

An Act to amend the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufactured bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as amended by further regulating the manufacture and sale of carbonated beverages and still drinks changing the penalties prescribed and providing for injunctions in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as amended by section one of the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 851) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "carbonated beverages" or "still drinks" as used in this act shall include all carbonated beverages or still drinks fruit juices and mineral waters when ready for use as a beverage whether still or carbonated and whether simple mixed or compounded The term shall not include natural apple cider unfermented grape juice cereal beverages or carbonated beverages or still drinks made in imitation of beer bitter drinks or othr similar beverages

The term "fruit juices" shall mean the natural juices of fruits sweetened or unsweetened which are marketed in bottles cans or other containers

The word "person" shall include individuals associations copartnerships and corporations

The singular shall include the plural the masculine shall include the feminine and neuter

Section 2 That section two of said act is hereby amended to read as follows

Section 2 It is unlawful for any person to sell offer or expose for sale or exchange or give away or have in possession with intent to sell any carbonated beverage or still drink except such as is manufactured prepared mixed or compounded by [himself] such person in his own home for consumption by himself his family or his guests unless the same has been registered with the Department of Agriculture The possession of any such nonregistered beverage shall be deemed prima facie evidence of an intent to sell the same

It is unlawful for any person to import into this Commonwealth for sale any carbonated beverage or still drink which is not registered with the Department of Agriculture

Section 3 That section five of said act as amended by the act approved the sixth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 851) is hereby further amended to read as follows

Section 5 No carbonated beverages or still drinks shall be made except from syrup containing pure honey or pure refined cane or beet sugar or pure refined dextrose and pure flavoring materials with or without added fruit acids and with or without added color Such carbonated beverages or still drinks shall contain not less than eight per centum sugars by weight The provisions of this section with respect to the amount of sugars required shall not apply to ginger ale or to non-alcoholic fruit juices This section does not prohibit the use of caramel colors or any other harmless ingredient and nothing but harmless certified approved artificial coal tar dye products and colors shall be used Provided That no color shall be used in orangeade or orange drinks which may tend to mislead the public by imitating or stimulating the appearance of the natural juice of the orange

All carbonated beverages or still drinks shall be deemed to be adulterated which are not in compliance with the provisions of this section or which contain any of the ingredients prohibited by section three of the act approved the eleventh day of March one thousand nine hundred and nine (Pamphlet Laws fifteen) entitled "An act relating to non-alcoholic drinks defining the same and prohibiting the manufacture sale offering for sale exposing for sale or having in possession with intent to sell of any adulterated or misbranded non-alcoholic drinks and providing penalties for the violation thereof and providing for the enforcement thereof or which contain hydrogen peroxide or peroxides or perborates or benzoate of soda or benzoates or any other substance deleterious to health Provided That carbonated beverages and still drinks may contain not in excess of one-tenth (1/10) of one per centum of benzoate of soda or benzoates provided the bottles or other containers are labeled or in the case of bulk drinks suitable display cards are printed to show that the said drinks contain not in excess of one-tenth (1/10) of one percentum of benzoate of soda or benzoates

The Secretary of Agriculture is hereby authorized to adopt and issue rules and regulations for the proper enforcement of this act and for the protection of the public health

Section 4 That sections eight ten thirteen and twenty of said act are hereby amended to read as follows

Section 8 Every bottle filled with carbonated beverages or still drinks shall be distinctly marked labeled or capped so as to show the true name of the carbonated beverages or still drinks contained therein and the name and address of the manufacturer or bottler

Section 10 No bottles shall be used in the manufacturing or bottling of carbonated beverages or still drinks in which the metal or rubber parts of the stopper come in contact with the beverage or drink The provisions of this section shall not apply to carbonated water put in syphons nor to aluminum bottle caps or caps made of other metals found by the Department of Agriculture not to be injurious to health

Section 13 All carbonated beverages or still drinks manufactured sold or offered for sale at or tributory to fair grounds carnivals circus grounds parks resorts and all other places within the State shall be made from pure honey or pure refined cane or beet sugar or pure refined dextrose and in compliance with the provisions of the non-alcoholic drink laws of Pennsylvania

Section 20 (a) Any person violating any of the provisions of this act except section four thereof or interfering with or refusing to give access to the Secretary of Agriculture or any of his agents or assistants shall [be guilty of a misdemeanor and upon conviction thereof shall] for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) [or] and the costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail of not less than thirty (30) days nor more than ninety (90) days [or both] and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both in the discretion of the court

(b) The Attorney General at the request of the Department of Agriculture may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas Dauphin County for the purpose of enjoining the manufacture and sale of carbonated beverages and still drinks in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is ney General shall not be required to give bond

ney General shall not be required to give bond

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

NAYS—47

Barthold,	Gelder,	Kunkel,	Rice,
Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
Dent,	Huffman,	Owlett,	Sones,
DiSilvestro,	Jacobs,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey	Kilgallen,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 207, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sones,

Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 387, as follows:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to carry into effect the act of Congress approved July second one thousand eight hundred and sixty-two granting public land to the several states for educational puposes and subsequent acts of Congress related thereto and the act of the Legislature of Pennsylvania approved April first one thousand eight hundred and sixty-three and subsequent acts of the Legislature of Pennsylvania accepting the provisions and conditions of said acts of Congress and pledging the faith of the State to carry the same into effect the sum of four million four hundred and fifty-eight thousand dollars ($4,458,000) is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-seven to the Trustees of the Pennsylvania State College for the following purposes

For the general maintenance of instruction research and extension in the School of Agriculture the School of Engineering the School of the Liberal Arts the School of Mineral Industries the School of Chemistry and Physics the School of Education the Graduate School the School of Physical Education and Athletics for the general maintenance of other schools departments offices and services including repairs and improvements to the grounds and buildings service of light heat power water and sewage disposal salaries and wages materials supplies equipment books and periodicals insurance and interest and such other expenditures as the trustees may deem necessary and practicable including any payments becoming due under a cooperative agreement between the Commonwealth and the trustees for the joint use of the facilities of the Pennsylvania State Forest School at Mont Alto.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. RUPP. Mr. President, I ask unanimous consent that Senate Bill No. 485, on third reading, entitled:

An Act to re-enact and amend the act, approved the seventh day of June, one thousand eight hundred and eighty-seven (P. L. 365), entitled "An act to encourage and authorize the formation of cooperative associations, productive and distributive by farmers, mechanics, laborers, or other persons," by extending and changing the provisions thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 503, (House Bill No. 914), entitled:

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal licenses or registration certificates to persons engaged in professions trades or occupations requiring such renewals.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gelder,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 504 (House Bill No. 915), on third reading, entitled:

An Act authorizing the Department of Public Instruction to fix the annual expiration date for licenses and registration certificates for professions trades and occupations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 575 (House Bill No. 602), on third reading, entitled:

An Act to amend section one thousand one hundred and two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act reating to cities of the third class and amending revising and consolidating the law relating thereto" empowering directors of departments to appoint persons employed in their departments and assigning the fire department to the department of public safety.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 606, as follows:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for sabbatical leaves of absence for certain employes of school districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto after section one thousand two hundred and fifteen a new heading and section to read as follows

Sabbatical Leaves of Absence

Section 1216 (a) Whenever any person employed in the public school system of this Commonwealth shall have completed ten years of satisfactory service as a teacher or in first class school districts as a member of the instructional staff as defined by the local board of education such person shall be entitled to a leave of absence for restoration of health study or travel or at the discretion of the board of school directors for other purposes for a half or full school year at the option of such person Thereafter one leave of absence shall be allowed after each seven years of service

(b) No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district for a period of not less than one year after such leave of absence

(c) No such leave of absence shall be considered a termination or breach of the contract of employment and the person on leave of absence shall be returned to the same or positions in the same school or schools he or she occupied prior thereto

The person on leave of absence shall receive the difference between his or her regular salary and the salary paid to any substitute employee temporarily engaged because of such leave The salary paid to such substitute shall be the salary for substitute service according to the salary schedule established by the local board

(e) Applications for leaves of absence shall be given preference according to the years of service since the previous Sabbatical leave of the applicant and in accordance with regulations adopted by the board of school directors pursuant to the provisions of this section

(f) No school district shall limit the number of leaves of absence granted in any school year to less than ten per centum of the number of persons eligible for such leave of absence regularly employed in such district Provided however That schools which have a staff of seven or less teachers shall be permitted at least one leave of absence each year

(g) Every person on leave of absence shall retain the right to make contributions as a member of the School Employes' Retirement Fund and continue his or her membership therein

(h) Nothing in this section shall be construed to prevent any person on leave of absence from receiving a grant for further study from any institution of learning

(i) A sabbatical leave granted to a regular employee shall also operate as a leave of absence without pay from all other school activities

(j) Every employee while on sabbatical leave of absence shall be considered to be in regular full-time daily attendance in the position from which the sabbatical leave was taken during the period of said leave for the purpose of determining the employees length of service and the right to receive increments as provided by law

(k) A member of the teaching or supervising staff while on sabbatical leave of absence shall for all purposes be viewed in law as a full-time teacher supervisor principal or other full-time member of the teaching and supervisory staff as the case may be and while on sabbatical leave he or she shall enjoy all the rights and privileges of an employee in regular full-time daily attendance in the position from which sabbatical leave of absence was granted and during the period of said leave the Commonwealth shall pay to the school district for each member of the teaching and supervisory staff thereof who is on sabbatical leave of absence the same per centum or share of salary provided for by law as if the employee was in regular daily full-time attendance in the position from which the sabbatical leave of absence was taken and in cases of employees of approved local or joint vocational industrial vocational home economics and vocational agricultural schools or departments who are on sabbatical leave the school district shall be reimbursed as provided by law for each of their full-time salaries just as though such employees were in daily attendance upon their respective duties

(l) The board of school directors or board of public education shall have the right to make such regulations as they may deem necessary to make sure that employees on leave as provided by this act shall utilize such leave properly for the purpose for which it was granted requiring reports from the employee or employees on leave in such manner as they may deem necessary

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gelder,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. JASPAN. Mr. President, I move that Senate Bill No. 619 (House Bill No. 931), on third reading, entitled:

An Act regulating the sale exchange removal and installation of certain plumbing fixtures in cities of the first class.

be recommitted to the Committee on Public Health for the purpose of a public hearing.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 645, on third reading, entitled:

An Act limiting the amount that water companies may charge boroughs for fire protection and imposing duties on the Public Service Commission or its successor.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 656 (House Bill No. 234), entitled:

An Act to re-enact the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-six) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs" as amended.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. LAW. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 711 (House Bill No. 77), entitled:

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	Mallery,	Rupp,
Deitrick,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	

NAYS—9

Bean,	Ealy,	Homsher,	Scarlett,
Buckman,	Gelder,	Pierson,	Wolfenden,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 728 (House Bill No. 1303), on third reading, entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 743, entitled:

An Act to amend sections five six and twelve of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand fifty) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of

the second class creating a board for the management thereof providing the mode and manner of payments to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by providing for a secretary-treasurer in lieu of a secretary and a vice president of the board and establishing a method for determining classification of beneficiaries.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Haluska,	Mallery,	Rupp,
Bean,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 795 (House Bill No. 859), entitled:

An Act to further amend section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" by changing the requirements of medical educational institutions.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Haluska,	Mallery,	Rupp,
Bean,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 799 (House Bill No. 1637), on third reading, entitled:

An Act to amend the act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals county or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by making further provision for the imposition of liability upon and the payment by individuals counties and poor districts of the cost of admission care and maintenance of mental patients and inebriates and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates or in lieu thereof the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 807, entitled:

A Joint Resolution proposing an amendment to section one Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOLFENDEN. Mr. President, I would like to interrogate the sponsor of the bill, the Senator from Allegheny, Mr. Rankin.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rankin permit himself to be interrogated?

Mr. RANKIN. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I would like to ask the Senator what is the purpose of this amendment?

Mr. RANKIN. Mr. President, the purpose of this amendment is to permit the County Treasurer to suceed himself, that is all.

Mr. WOLFENDEN. Mr. President, as I understand it, the words of the Constitution states that the Treasurer and Sheriff cannot succeed themselves.

Mr. RANKIN. Mr. President, that is the law now.

Mr. WOLFENDEN. Mr. President, that is the law at the present time, so evidently they had in mind that the sheriff should not succeed himself, evidently so that

there should not be abuses in that office, and they undoubtedly also had in mind that the treasurer should not succeed himself for the same reason. Mr. President, I would like to further interrogate the Senator from Allegheny, Mr. Rankin.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rankin permit himself to be further interrogated?

Mr. RANKIN. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I can see no particular reason why we should take away that restriction. The office of the County Treasurer is a very important office, and an office that is bonded to protect any shortage of funds. If there is any reason for any officer not succeeding himself, it seems to me that the office of County Treasurer should be that office, and I see no reason why he should be singled out as an officer to be permitted to carry on. What particular reason does the Senator from Allegheny have to continue the County Treasurer in office?

Mr. RANKIN. Mr. President, just because my experience in the county is such that a County Treasurer, when he is in office for only four years, it takes him about that length of time to find out anything about the county's business, and then he goes out and a new man takes his place; therefore, I believe that he ought to be able to succeed himself, and further, I have no objection to the Sheriff succeeding himself as far as I am concerned.

Mr. WOLFENDEN. Mr. President, but the Senator from Allegheny did not include the Sheriff in his amendment, he included only the County Treasurer.

Mr. RANKIN. Mr. President, the Sheriff was not interested in it. It does not permit the County Treasurer to succeed himself, it is an amendment to the Constitution and it only permits the people to say whether he should or should not succeed himself.

Mr. WOLFENDEN. Mr. President, I think this is an innovation that is unwarranted, and I ask that the Senate vote down this amendment.

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. BUCKMAN. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—26

Barthold,	Jacobs,	McCreesh,	Rodgers,
Cavalcante,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Frey,	Kilgallen,	Pytko,	Sipe,
Gilson,	Kunkel,	Rankin,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,	Law,		

NAYS—20

Bean,	Eroe,	Mallery,	Salus,
Buckman,	Gelder,	Owlett,	Scarlett,
Chapman,	Heyburn,	Pierson,	Sones,
Deitrick,	Homsher,	Reed,	Wolfenden,
Ealy,	Huffman,	Rupp,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 820, entitled:

An Act to further amend section one of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to transfer of structures and facilities of public service companies providing for ascertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gelder,	Law,	Rupp,
Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Haluska,	McCreesh,	Salus,
Cavalcante,	Henney,	McGinnis,	Scarlett,
Chapman,	Heyburn,	Mundy,	Shapiro,
Dando,	Homsher,	Owlett,	Sipe,
Deitrick,	Huffman,	Pierson,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 837 (House Bill No. 753), entitled:

An Act to promote public health, safety, morals, and welfare, by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercises of such powers including the acquisition of property by purchase, gift, or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds and other obligations and giving security therefor; prescribing the remedies of obligees of housing authorities, authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Heyburn,	Law,	Rodgers,
Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,

DiSilvestro,	Kahle,	Pytko,	Sipe
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Henney,			

NAYS—13

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden,
Chapman,	Homsher,	Pierson,	Woodward,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 842 (House Bill No. 1410), entitled:

An Act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Huffman,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,

NAYS—11

Bean,	Ealy,	Homsher,	Scarlett,
Chapman,	Gelder,	Owlett,	Woodward,
Deitrick,	Heyburn,	Pierson,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 855, as follows:

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six P. L. 79) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capitol within what is now Pennsylvania and making an appropriation therefor out of the General Fund

Whereas The General Assembly by the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (P. L. 79) authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction to set for and on behalf of the Commonwealth of Pennsylvania in arranging a suitable commemoration of the three hundredth anniversary of the landing of the ships Kalmar Nyckel and Fogel Grip on the Delaware in March one thousand six hundred and thirty-eight and the establishment of the colony of New Sweden as well as the coming of the first Dutch English German Welsh Irish and other settlers by whom were established the earliest settlements the first courts of law and the first capitol within what is now Pennsylvania and

Whereas This General Assembly being mindful of the character and qualities of our founders and forefathers and of their achievement in establishing the colony of New Sweden and of maintaining and preserving peaceful and harmonious relations with the Indians and the neighboring colonies thereby laying the foundations for the subsequent colony of the Commonwealth of Pennsylvania and enabling it to develop quickly into the greatest richest and most populous province among the Original Thirteen Colonies and making possible Philadelphia's rise as the greatest city of colonial America and the establishment of the Commonwealth of Pennsylvania as the Keystone in the great arch of states and this General Assembly being mindful also that such character qualities pioneering efforts and achievements were the foundations upon which our Pennsylvania civilization is based and being mindful of the honorable pride and great interest of our citizens therein desires to make said tercentenary celebration an occasion of State National and world-wide reunion to commemorate those inspiring and momentous events and

Whereas the said tercentenary anniversary celebration will arouse stimulate and encourage the intrest of all of our citizens and the citizens of other states and countries young and old in a knowledge and study of the inspiring history of the founding establishing and development of this Commonwealth and will interpret and emphasize the spiritual and educational forces of the past and

Whereas It is anticipated that the said commemoration will bring to the Commonwealth a great influx of visitors from the nation and the entire world who will learn of the historical agricultural commerical and industrial values and attractions here to be found resulting in aid and stimulation of the general business improvement of the State thereby increasing the State revenues derived from the gasoline and other taxes and

Whereas The Governments of Sweden and Finland have accepted invitations to participate in the said Tercentenary celebrations and

Whereas The President and Congress of the United States of American have appointed a Delaware Valley Tercentenary Commission to participate in the said celebration in behalf of the United States of America and

Whereas The Government of Sweden has created a Swedish-American Tercentenary Commission to cooperate with the Commonwealth of Pennsylvania and

Whereas Distinguished representatives of the Swedish Government and its Tercentenary Commission are perfecting arrangements to pay an official visit to this Commonwealth in one thousand nine hundred and thirty-eight therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania Historical Commission of the Department of Public Instruction is further authorized and directed to make supervise execute and carry out such plans and preparations as may be necessary for the proper celebration of the said tercentenary anniversary to cooperate with the United States Delaware Valley Tercentenary Commission with the Commission of Sweden Finland and other countries the Tercentenary Commission of the States of Delaware New Jersey and Maryland the Pennsylvania Federation of Historical Societies the Historical Society of Pennsylvania the Swedish Colonial Society of American Swedish

Historical Museum and other Historical Associations and county municipal and other authorities committees or commissions now existing or hereafter to be appointed to send a representative or representatives to Sweden there in the city of Gothenberg of Gotenborg to dedicate a tablet or memorial in commemoration of the three hundredth anniversary of the sailing of the ships Kalmar Nyckel and Fogel Grip in November one thousand six hundred and thirty-seven or to any other country or countries from which the earliest settlers came to our shores prior to the advent of William Penn to buy from the United States sell distribute and present commemorative coins and to create such offices and to select such assistants and personnel and to pay such reasonable and fair compensation therefor as in its judgment may be proper and necessary

Section 2 In executing and carrying out the provisions of this act the Pennsylvania Historical Commission shall have authority to incur costs and expenses and to expend the appropriation herewith authorized for the formulation and execution of plans the organization and presentation of pageants and parades the organizing operating and conducting of declamatory essay oratorical and history contests in any or all schools located within this Commonwealth and the award of prizes medals and certificates therefor the arranging and holding of receptions in honor of the representatives of Sweden Finland and other mother countries officials of the Government of the United States the Governors of other states the Mayors of Philadelphia and Chester and other distinguished guests cooperation and participation in local and county events in this Commonwealth the cost of designing constructing erecting and dedicating historic memorial tablets markers or monuments the costs of research into and of translating publishing and distributing historic documents or records based upon the history of New Sweden and the early history of Pennsylvania whether such historic records exist within or without the Commonwealth or abroad the costs of advertising printing and publishing including the costs of advertising and publishing within and without the Commonwealth the historical agricultural commerical and industrial values and attractions of Pennsylvanina or renting equipping and furnishing offices and office supplies and materials of designating manufacturing and presenting souvenir medals badges and other emblems of traveling and other costs within and without the Commonwealth and other expenses and costs as the said Pennsylvania Historical Commission in its discretion may deem necessary for the proper conduct and operation of the said celebration

Section 3 The said Pennsylvania Historical Commission is authorized in its discretion to contract with the American Swedish Historical Museum now established in Philadelphia for the constructing equipping and setting up of a room in the said Museum to be known as "The Pennsylvania Room" which room shall be under the control of the Pennsylvania Historical Commission and in which articles or historic relics connected with the dawn of history in New Sweden or Pennsylvania or other objects relevant in connection therewith may be displayed such contract however to be in such legal form as meets the requirements and approval of the Department of Justice

Section 4 The sum of forty thousand dollars ($40,000) is hereby specifically appropriated out of the General Fund to the Pennsylvania Historical Commission of the Department of Public Instruction to be paid out by the Auditor General on the requisitions of the said commission for the purpose of carrying out the provisions of this act

Section 5 This act shall become effective immediately upon its final enactment and the appropriation made by this act shall be available for expenditure from said effective date until the close of the fiscal period ending May thirty-first one thousand nine hundred and thirty-nine

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, I ask unanimous consent to amend section 4, page 6, lines 27 and 28, by striking out the words "forty thousand" inserting in lieu thereof the words "twenty-five thousand".

The PRESIDENT. Is there objection?

Mr. STIEFEL. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring.

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, the purpose of Senate Bill No. 855, is "in arranging a suitable commemoration of the three hundredth anniversary of the landing of the ships Kalmar Nyckel and Fogel Grip on the Delaware, in March one thousand six hundred and thirty-eight, and the establishment of the colony of New Sweden, as well as the coming of the first Dutch, English, German, Welsh, Irish and other settlers by whom were established the earliest settlements and the first courts of law and the first capitol within what is now Pennsylvania". For this purpose we are asked to appropriate $40,000. I might tell the Senate that when this bill was originally reported out, it provided for $25,000, which is the amount I am trying to recommend be put back into the bill, the sponsor having amended the bill to read $40,000 instead of $25,000. I really am very serious about this matter, in view of the fact that both Parties in this Chamber are committed to a policy of reducing the burden of taxpayers. I myself have gone to the Appropriation Committee and asked for an increase of $2,000 for the Allentown Hospital. I have also called the attention of the Appropriations Committee to the overcrowded condition of the Allentown State Hospital, where patients are obliged to sleep on mattresses in the corridors of the building, and we all know of the over-crowded conditions in the Pennhurst School for Minor Mental Defectives. It seems to me that in view of the fact that the State is so poor that we cannot appropriate money to alleviate these crowded, unsanitary and dangerous conditions as those in our hospitals and other institutions, that we certainly cannot here tonight appropriate $40,000 to cerebrate the landing of these two ships on the Delaware River, and I earnestly ask the members of this body to support the motion which I now make.

Mr. SIPE. Mr. President, I desire to say a few words on this bill. Before the bill was introduced, I was informed by a member of the Appropriations Committee that the director of the budget said that there was fifty thousand dollars for the purposes of this bill. I therefore introduced the bill in this amount. It traveled a racky road in committee and emerged with the proposed appropriation cut to twenty-five thousand dollars, and was subsequently amended to forty thousand dollars, as it stands at present.

I strongly urge that the proposed appropriation should not be reduced. The celebrating of the Three Hundredth Anniversary of the first settlements in Pennsylvania will make for state pride. It will make for good citizenship. It will make for patriotic citizenship. All this is a spiritual value.

The absence of the spiritual value of a patriotic citizenship is one of the surest guarantee that I can think of for the ruin of any nation. History is full of examples teaching this truth. It was the absence of this value that caused the mighty Roman Empire, once the proud mistress of the word, to become emasculated by coluptuous repose, to become cankered by inner corruption and to stagger

and totter to her doom through sheer aggregation of rottenness.

In 1920 Massachusetts celebrated the Three Hundredth Anniversary of her first settlements, and spent in her celebration about ten times as much as the appropriation that this bill proposes for the celebrating of the Three Hundredth Anniversary of the first settlements in Pennsylvania. In order that you may see whether or not forty thousand dollars is too much for Pennsylvania to spend, let me call your attention to the fact that, stripped of the glamour which New England poets and New England Historians have thrown around the early history of Massachusetts—a glamour which the facts do not justify—that Commonwealth was celebrating very largely the planting on the bleak shores of New England of the principle of religious bigotry and intolerance, a principle that retarded the development of the America that we know and love, the principle of which, if it had taken hold and had given strong color to the institutions of this country, would have caused this land to be unfit for a dog to live in; whereas, we of the Commonwealth of Pennsylvania will be celebrating the planting in Pennsylvania soil of the precious principle of religious liberty, the principle that made America.

The story is told that when Lord Lindsey, the great English orientalist and scholar, was in Egypt about a century ago, roaming among the pyramids and creeping through the tombs of that land of mystery and shadow, he came upon a mummy which had lain there perhaps from the very dawn of the historic day. Unwrapping it, he found in its closed hand a shriveled root which he took and planted in a warm sunny place and to his utter amazement it grew into a beautiful flower. This story illustrates where the root of the glorious and inspiring history of the first settlements in Pennsylvania, the settlements made by the Colony of New Sweden, has been for a number of generations. This root has been immured in the musty tomb of New England historical prejudice and our own Pennsylvania historical neglect—it has been held in the dry and terrible grasp of the bony fingers of the mummy of New England historical prejudice and our own inexcusable Pennsylvania historical neglect. But this appropriation will help to pry open this tomb. It will release the root from the grasp of the bony fingers of this mummy. It will transplant the root into a fertile soil and afford it a genial atmosphere in which to blossom into usefulness and beauty—yes, to bloom in beauty, with a beauty like the beauty of the flowers of our Pennsylvania forests—with a beauty like the beauty of the lillies of our Pennsylvania valleys.

I think that all this is worth forty thousand dollars.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. STIEFEL and Mr. SIPE and were as follows, viz:

YEAS—19

Bean,	Gelder	Owlett,	Salus,
Buckman,	Gilson,	Pierson,	Scarlett,
Cavalcante,	Heyburn,	Reed,	Sones,
Deitrick,	Homsher,	Rodgers,	Wolfenden,
Ealy,	Mallery,	Rupp,	

NAYS—27

Barthold,	Huffman,	Law,	Ruth,
Dando,	Jacobs,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kahle,	Mundy,	Stiefel,
Eroe,	Kilgallen,	Pytko,	Thompson,
Frey,	Kunkel,	Rankin,	Woodward,
Henney,	Lanius,	Rice,	

So the question was determined in the negative.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gelder,	Lanius,	Rupp,
Bean,	Gilson,	Law,	Ruth,
Buckman,	Haluska,	Mallery,	Salus,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Chapman,	Heyburn,	McGinnis,	Shapiro,
Dando,	Homsher,	Mundy,	Sipe,
Deitrick,	Huffman,	Pierson,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER REQUEST

Mr. LAW. Mr. President, in view of the lateness of the hour and to forestall inevitable debate I ask unanimous consent that Senate Bill No. 860 on third reading entitled:

An Act supplementing the act of July twenty-second, one thousand nine hundred and thirty-six (P. L. 70), and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide, plan, prepare, supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39, and making an apprporiation.

go over in its order.

The PRESIDENT. Is there objection?

Mr. STIEFEL. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

BILLS RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 860, on third reading be recommitted to the Committee on Appropriations.

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the motion

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, if we are going to have a celebration, we might as well have a proper appropriation. The Committee has acted on this bill and there is no sense in fooling with it any more, therefore, I move that the bill be recommitted to the Committee on Appropriations instead of wasting the time of the Senate and let the Committee settle the proposition.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. GELDER and were as follows, viz:

YEAS—31

Barthold,	Frey,	Lanius,	Ruth,
Bean,	Gilson,	McCreesh,	Shapiro,
Cavalcante,	Henney,	McGinnis,	Sipe,
Dando,	Huffman,	Mundy,	Sones,
Deitrick,	Jaspan,	Pytko,	Stiefel,
Dent,	Kahle,	Rankin,	Thompson,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Rupp,	

NAYS—14

Buckman,	Heyburn,	Mallery,	Rice,
Chapman,	Homsher,	Owlett,	Salus,
Ealy,	Jacobs,	Pierson,	Scarlett,
Gelder,	Law,		

So the question was determined in the affirmative.

Mr. MUNDY. Mr. President, I move that Senate Bill No. 889 on third reading, entitled:

An Act to amend section six of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" authorizing the State Board of Undertakers to permit licensed undertakers to conduct branches chapels funeral homes or display parlors under trade names in certain cases

be recommitted to the Committee on State Boards.

Mr. HENNEY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 898 (House Bill No. 1715), entitled:

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gelder,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 963 (House Bill No. 71), entitled:

A Joint Resolution proposing an amendment to Article one section six of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—16

Barthold,	Frey,	Kahle,	Rankin,
Cavalcante,	Haluska,	McGinnis,	Rice,
Dando,	Henney,	Mundy,	Sipe,
Eroe,	Jaspan,	Pytko,	Stiefel,

NAYS—27

Bean,	Gelder,	Law,	Ruth,
Buckman,	Gilson,	Mallery,	Salus,
Chapman,	Heyburn,	Owlett,	Scarlett,
Deitrick,	Homsher,	Pierson,	Sones,
Dent,	Huffman,	Reed,	Thompson,
DiSilvestro,	Kunkel,	Rodgers,	Wolfenden,
Ealy,	Lanius,	Rupp,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

CONSIDERATION OF SENATE BILLS ONLY

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Senate bills only, on third reading, in their order.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 998, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue an repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring or refunding of indebtedness the issuing of bonds by school districts and the retiring of indebtedness making payroll obligations preferential claims against the district providing for penalties for failure to comply with any part of the act and repealing provisions of state laws inconsistent with this act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I would like to interrogate the sponsor of this bill.

The PRESIDENT. Will the Senator from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator from Berks, Mr. Ruth, explain what the bill means?

Mr. RUTH. Mr. President, the bill means simply the saving of the possibility of the school districts being thrown into bankruptcy; this will be postponed by the refunding of its bonded indebtedness, it means further that school districts, and we may have many in the State like that, receiving appropriations from the State for the use of teachers, and ther are using these appropriations to pay off bonded indebtedness and permitting the teachers to go unpaid. It will save the State at least $100,000 by refunding their indebtedness and permitting the boards to carry their indebtedness in the same way as other districts. That is the sum and substance of the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law.	Rodgers,
Dando,	Henney,	Mallery.	Rupp,
Deitrick,	Heyburn,	McCreesh,	Ruth,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Mundy,	Sipe,
Eroe,	Jaspan,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Wolfenden,

NAYS—9

Bean,	Ealy,	Owlett,	Salus,
Buckman,	Homsher,	Pierson,	Scarlett,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1041, entitled:

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teachers to be citizens except in certain cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1047, entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of duciaries refunding bonds transcripts to the Court of Common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further modifying the terms qualifications and other conditions under which the investment of trust funds may be made by duciaries by further providing for additional investments of trust funds by fiduciaries and by further providing with respect to the retention or sale of certain investments in the hands of fiduciaries

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Rodgers,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,

DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1051, entitled:

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barthold,	Haluska,	Lanius,	Rupp,
Cavalcante,	Henney,	Law,	Ruth,
Dando,	Heyburn,	McCreesh,	Shapiro,
Dent,	Huffman,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gilson,	Kunkel,	Rodgers,	

NAYS—11

Bean,	Deitrick,	Homsher,	Scarlett,
Buckman,	Ealy,	Mallery,	Wolfenden,
Chapman,	Gelder,	Owlett,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1076, entitled:

An Act to amend section one as amended and sections two and three of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same" requiring cities to make certain appropriations to the police retirement fund increasing the maximum payments by members and generally clarifying the provisions of said act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Frey,	Law,	Rodgers,
Bean,	Gilson,	Mallery,	Rupp,
Buckman,	Haluska,	McCreesh,	Ruth,
Cavalcante,	Henney,	McGinnis,	Scarlett,
Chapman,	Heyburn,	Mundy,	Shapiro,
Dando,	Huffman,	Owlett,	Sipe,
Deitrick,	Jaspan,	Pytko,	Sones,
Dent,	Kahle,	Rankin,	Stiefel,
DiSilvestro,	Kilgallen,	Reed,	Thompson,
Ealy,	Kunkel,	Rice,	Wolfenden,
Eroe,	Lanius,		

NAYS—2

Gelder, Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1109, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one ((Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the beginning of a revolving fund for street sidewalk and sewer improvements by funds raised from bond issues.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Kunkel,	Rodgers,
Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Scarlett,
Chapman,	Heyburn,	McCreesh,	Shapiro,
Dando,	Homsher,	McGinnis,	Sipe,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	

NAYS—1

Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1110, entitled:

An Act to add subdivision (h) to article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing for a revolving fund for permanent street sidewalk and sewer improvements.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. GELDER. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Kilgallen.

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, permit himself to be interrogated?

Mr. KILGALLEN. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask the Senator from Allegheny, Mr. Kilgallen, the purpose of the bill?

Mr. KILGALLEN. Mr. President, this bill and the bill preceding and the two bills following it, are companion bills to a series of bills on the Senate Calendar some weeks ago. They have to do with sewage improvements. I believe the members of the Senate will remember that these bills provide a possible way in which rentals from the sewerage improvement projects can be handled. I presented them here in the Senate at the request of Mr. Turner a member of the House, and briefly as I can put it, it is simply a business like method of handling the funds derived from the projects and also street improvement projects.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,

NAYS—2

Deitrick,	Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1111, entitled:

An Act to add subdivision (c) to article twenty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by providing for a revolving fund for street sidewalk and sewer improvements.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Haluska,	Mallery,	Rodgers,
Bean,	Henney,	McCreesh,	Rupp,
Cavalcante,	Homsher,	McGinnis,	Ruth,
Dando,	Huffman,	Mundy,	Scarlett,
Dent,	Jaspan,	Owlett,	Shapiro,
DiSilvestro,	Kahle,	Pierson,	Sipe,
Ealy,	Kilgallen,	Pytko,	Sones,
Eroe,	Kunkel,	Rankin,	Stiefel,
Frey,	Lanius,	Reed,	Thompson,
Gelder	Law,	Rice,	Wolfenden,
Gilson,			

NAYS—3

Chapman,	Deitrick,	Heyburn,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1112, entitled:

An Act to amend subdivision (i) of article seventeen of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a revolving fund for street sidewalk and sewer improvements

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Ruth,
Buckman,	Henney,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Dent,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Gelder,	Lanius,	Rodgers,	Wolfenden,

NAYS—3

Deitrick,	Ealy,	Heyburn,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 1114, on third reading, entitled:

An Act to amend section two hundred two of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the incorporation of boroughs

go over in its order. There will be a public hearing on this bill tomorrow.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1116, entitled:

An Act to amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred fifty-nine) entitled "An act granting the right and lawful authority to corporations to construct operate and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply subject to the approval of the Water Supply Commission" extending the provisions of said act to additional corporations.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Law,	Rodgers,
Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Ealy,	Kilgallen,	Rankin,	Stiefel,
Eroe,	Kunkel,	Reed,	Thompson,
Frey,	Lanius,	Rice,	Wolfenden,
Gelder,			

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1119, entitled:

An Act providing for the qualifications examinations appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gelder,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1122, as follows:

An Act providing for the erection construction and equipment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acqiuring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries and conferring powers and imposing duties upon certain State departments boards commissions and officers

Whereas The Eastern State Penitentiary located in Philadelphia is antiquated and many hazardous conditions exist due to deferred maintenance of more than a decade anticipating the removal of inmates therefrom and

Whereas There is urgent need for the erection of a new State penitentiary for the segregation of maximum security prisoners transfered from both the Eastern and Western State Penitentiaries thus accomplishing one important step in the development of an adequate penal institution program for the Commonwealth and

Whereas It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct such new penitentiary and lease the same to the Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Welfare with the approval of the Governor shall select for acquisition either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the Authority a tract of land of not less than five hundred acres centrally located well supplied with water and capable of being properly sewered and drained for the erection and construction thereon by The General State Authority of an institution to be known as the Maximum Security State Penitentiary for the confinement of not less than one thousand convicts to be transferred from the Eastern and Western State Penitentiaries The title to the lands so acquired shall be approved by the Attorney General If it shall be found that the Commonwealth owns State forest lands or other lands suitable in whole or in part for such use such lands may be designated by the Department of Welfare with the approval of the Governor and the department board or commission having possession and control of the same and used for the aforesaid purpose and any additional lands necessary may be selected and acquired as aforesaid

Section 2 Upon the acquisition of any kind in the name of the Commonwealth or designation of any land of the Commonwealth as provided in section one the Department of Property and Supplies shall have the authority to convey the same to The General State Authority for the purpose of having such Authority erect or construct thereon the Maximum Security State Penitentiary The plans and specifications of the penitentiary whether erected on land acquired directly by The General State Authority or by conveyance to it from the Commonwealth shall be subject to the approval of the Department of Welfare and shall provide for suitable buildings and an adequate water supply system sewage treatment works heat and electric power plant or plants service lines and other necessary equipment structures and improvements The buildings shall be of modern design

plain and substantial and capable of extension as the needs of the institution may require

Section 3 The Department of Welfare may enter into an agreement with The General State Authority for the use of convicts in the Eastern and Western State Penitentiaries in improving the site of the new penitentiary the preparation of building materials the construction of any buildings and improvements pertinent thereto or to engage in farming or dairying work In the case of any such agreement the Department of Welfare shall have power to transfer from the Eastern and Western State Penitentiaries such convicts as it may deem necessary for these purposes provided that a suitable building or buildings are available for the custody of such convicts Such agreement shall require that The General State Authority shall pay to the Manufacturing Fund in the State Treasury for the labor of such convicts such wages for each convict so employed as may be agreed upon in accordance with the laws regulating the employment of prison or inmate labor The expense of maintaining such convicts at the site of the new penitentiary shall be borne by the respective counties in which they shall been convicted and shall be paid to the State Treasurer through the Department of Revenue as provided by law in the case of convicts confined in the State penitentiaries but such actual expense shall be paid in the first instance by the Department of Welfare from appropriations made for such purposes Upon the completion of their work any convicts transferred for work in connection with such penitentiary shall be re-transferred to the penitentiary from which they were originally transferred unless they are detained in the new penitentiary as maximum security prisoners

Section 4 The Department of Property and Supplies with the approval of the Governor is hereby authorized to enter into a lease for not more than fifty (50) years with The General State Authority to acquire the use of the Maximum Security State Penitentiary and any lands or farms conected therewith for the purpose of having the same managed and operated by the Department of Welface In such case the management and operation of the penitentiary and the case maintenance and employment of the convicts shall be the function of the Department of Welfare Subject to and in the manner provided in The Administrative Code of 1929 and its amendments the Department of Welfare shall have power to employ and fix the compensation of a superintendent deputy superintendent chaplain guards physicians mechanics clerks stenographers and other employes as may be deemed necessary for the proper maintenance and management of the penitentiary and the safe-keeping therein of maximum security prisoners The compensation of all persons so appointed and all other expenses in connection with the care and maintenance of convicts in said penitentiary shall be paid from the appropriations made to the Department of Welfare for such purposes but the Commonwealth shall be reimbursed for such expenditures by the respective counties in which such convicts were convicted to the extent and in the manner provided by law in the case of convicts maintained in the Eastern and Western State Penitentiaries

Section 5 Upon the completion of the Maximum Security State Penitentiary and after the execution of a lease of the same by the Commonwealth of Pennsylvania from The General State Authority the Department of Welfare shall from time to time transfer from the Eastern and Western State Penitentiaries such convicts as by their conduct in such penitentiaries and past records require provisions for maximum security in order to prevent their escape or to prevent the causing of riot and disorder in the State penitentiaries Such convicts shall be known as maximum security prisoners After the penitentiary herein provided for shall have been fully completed only maximum security prisoners shall be detained in such penitentiary The Department of Welfare shall be the sole judge of those convicts who shall be transferred to and detained in the Maximum Security State Penitentiary The Department of Welfare shall have power to retransfer from the Maximum Security State Penitentiary to the penitentiary from which originally transferred any convict who by his or her conduct shall in the opinion of the department no longer require detention in the Maximum Security State Penitentiary Any convict so transferred or retransferred shall serve out the unexpired term of his or her sentence in the penitentiary to which transferred or retransferred in accordance with the laws in force with reference to the punishment of persons convicted of crime and sentenced to a State penitentiary and as though such convict had been duly committed to such penitentiary and had already served there for such time as had been served in the penitentiary from which transferred or retransferred All such transfers and retransfers shall be made only by and under the direction of the Department of Welfare When any such transfer or retransfer is made all records or true and full copies thereof relating to such convicts shall be transmitted from the institution of transfer to the institution of transfer as is provided by law in the case of transfers between the Eastern and Western State Penitentiaries

Section 6 In the management and operation of the Maximum Security State Penitentiary the Department of Welfare shall have all the powers conferred and perform all the duties imposed by the laws of this Commonwealth on the Boards of Trustees of the Eastern and Western State Penitentiaries and all the laws of this Commonwealth relating to the care maintenance management safe-keeping employment pardon and parole of convicts confined in State penitentiaries shall be deemed to apply to convicts detained in such penitentiaries

Section 7 This act shall became effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barthold,	Henney,	McCreesh,	Rupp,
Cavalcante,	Jacobs,	McGinnis,	Ruth,
Dando,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Haluska,	Law,	Rodgers,	Wolfenden,

NAYS—11

Bean,	Deitrick,	Heyburn,	Owlett,
Buckman,	Ealy,	Homsher,	Pierson,
Chapman,	Gelder,	Mallery,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1124, on third reading, entitled:

An Act making ar appropriation to the Safety Commission.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1136, entitled:

An Act to provide for the regulation of the building erection and maintenance of structures in along across over under projecting into or being in streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth providing for permits fees and charges conferring powers and imposing duties upon the Water and Power Resources Board.

And said bill having been read at length the third time, and agreed to,

On the question.

Shall the bill pass finally?

Mr. WOLFENDEN. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh permit himself to be interrogated?

Mr. McCREESH. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, will the Senator from Philadelphia, explain what the bill intends to do?

Mr. McCREESH. Mr. President, this is not an appropriation bill. There is not any money required here. This bill forbids the building of some unsitely building along the waters of the State of Pennsylvania without a permit from the proper authorities. That is all the bill does. I would be glad to get a copy from one of the page boys and give it to the Senator from Indiana, Mr. Wolfenden, for his information.

Mr. WOLFENDEN. Mr. President, as I read this bill, it states that "it shall be unlawful for anyone to erect or maintain * * " and then it goes on and mentions "structures in streams.". Now, the thing that I object to is that it gives authority to tear down certain wharves and other buildings that are now in streams, and if the bill goes through it would prohibit the building of these things in the future, and in its present form it is dangerous. If I am wrong in that, I would like to be corrected.

Mr. LAW. Mr. President, I want to say if there are encroachments that the State feels should not be there and that they should be removed, it seems that it would take care of the present structures as well as past.

BILL OVER IN ORDER

Mr. WOLFENDEN. Mr. President, I really think the bill should go over in order because it puts too much authority, as I read it, into the capitalized power resources board, and it might do irreparable damage. I think it is too drastic.

Mr. McCREESH. Mr. President, I withdraw my objection, and let the Senator from Indiana have his good wishes.

The PRESIDENT. The objection is withdrawn, and the bill goes over in its order.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1137, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section eighteen.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. REED. Mr. President, I desire to interrogate the sponsor of the bill.

The PRESIDENT. Will the Senator from Clarion, Dr. Kahle permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. REED. Mr. President, will the Senator kindly explain the bill.

Mr. KAHLE. Mr. President, this resolution was offered at the request of the Capitol Sportsmen of Pennsylvania. The resolution was introduced at the request of the sportsmen, the Izaak Walton League and other organizations of Pennsylvania—I cannot just recall the names—but it is for the purpose of purchasing land. It asks that a bond issue of $10,000,000.00, be floated for that purpose, to be used to control flood conditions of State owned lands and for reforestration, etc., by the State. This bill if it is passed by the present legislature, would again have to come up before the 1939 legislature, and if again passed, it would then have to be put up to the people of Pennsylvania to be voted upon by them to decide whether or not they want this bond issue floated. That is the purpose of the bill.

Mr. LAW. Mr. President, I would like to interrogate the Senator from Clarion, Dr. Kahle, on one point.

The PRESIDENT. Will the Senator from Clarion, Dr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will

Mr. LAW. Mr. President, will the Senator from Clarion, Dr. Kahle state what he learned from the sponsors of this joint resolution as to how they proposed to repay this bond issue, whether out of general taxation or from a special source from which they expect to receive it.

Mr. KAHLE. Mr. President, I cannot answer that.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Clarion, Dr. Kahle.

The PRESIDENT. Will the Senator from Clarion, Dr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. THOMPSON. Mr. President, if I understand it, the Senator from Clarion, Dr. Kahle, sponsored this joint resolution to expend $10,000,000.00, for the purpose of purchasing land, and yet only $100,000 is included in the 'vitamin' bills that were passed here a week or so ago. Does not the Senator feel that that should be reversed and that we should spend a larger sum for public health and a smaller sum for the purchase of land?

Mr. KAHLE. Mr. President, conscientiously, I do, but under the conditions the vitamin bill is still in its infancy. It was born two years ago and it has been a grand success in Pennsylvania, but we do not want to burden the State. We want the 'vitamin' bill to go on if we can carry it over and show the people the value of the vitamin bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Buckman,	Henney,	Mundy,	Rupp,
Cavalcante,	Jaspan,	Owlett,	Ruth,
Dando,	Kahle,	Pytko,	Sipe,

Deitrick,	Kilgallen,	Rankin,	Sones,
DiSilvestro,	Mallery,	Rice,	Stiefel,
Eroe,	McCreesh,	Rodgers,	Thompson,
Frey,	McGinnis,		

NAYS—18

Barthold,	Haluska,	Lanius,	Salus,
Bean,	Heyburn,	Law,	Scarlett,
Chapman,	Homsher,	Pierson,	Shapiro,
Ealy,	Jacobs,	Reed,	Wolfenden,
Gilson,	Kunkel,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1152, entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the orphans' court to conduct jury trials to determine issues awarded by it and regulating the procedure and appeals in such cases

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. STIEFEL. Mr. President, I move to amend Sec. 1 (Sec. 21), page 2, lines 4 and 5, by striking out the following: S "it would be lawful, proper and expedient for"; amend Sec. 1 (Sec. 21), page 2, line 5, by inserting after the word: "court" the following: S "may deem it expedient or shall be required"; amend Sec. 1 (Sec. 21), page 2, line 7, by striking out the following: S "may in its" and inserting in lieu thereof: "or a judge thereof may in its or his"; amend Sec. 1 (Sec. 21), page 2, line 8, by striking out the following: S "designate one of its own judges to" and inserting in lieu thereof: "a judge of said court shall"; amend Sec. 1 (Sec. 21), page 2, line 13, by striking out the word: S "and" where it first appears in said line, and inserting in lieu thereof: "and in counties where there is a separate orphans' court"; amend Sec. 1 (Sec. 21), page 2, line 19, by inserting after the word: "the" where it first appears in said line, the following: S "appropriate"; amend Sec. 1 (Sec. 21), page 2, lines 19 to 22, by striking out the following: S "reg-" in line 19, all of lines 20 and 21, and "stante verdicto" in line 22; amend Sec. 1 (Sec. 21), page 2, line 23, by striking out the following: S "except that said motions" and inserting in lieu thereof: "and matters relating to such trials"; amend Sec. 1 (Sec. 21), page 2, lines 24 and 25, by striking out the following: S "sitting en banc" in line 24 and all of line 25; amend Sec. 1 (Sec. 21), page 2, lines 26 and 27, by striking out the following: S "judgment upon the verdicts rendered at such trials of said issues in the orphans' court" and inserting in lieu thereof: "judgments in such cases"; amend Sec. 1 (Sec. 21), page 3, line 2, by inserting after the word: "court" the following: S "except that only one appeal shall be taken and that shall be from the final decree of the orphans' court upon which appeal all alleged errors may be assigned whether arising in the jury trial or otherwise."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1162, entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand one hundred ninety-nine) entitled "An act for the acceptance of a site from the Univerisity of Pittsburgh and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital providing for the erection construction and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare" providing for the conveyance of said tract to the General State Authority for the construction of said hospital and for the leasing thereof by the Commonwealth after construction.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

[illegible]hold,	Gelder,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1167, entitled:

An Act to define and restrict the obligation of persons engaged or connected with or employed by certain newspapers or press associations in testifying as to the source of information procured or obtained by such persons.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bean,	Jaspan,	Mundy,	Ruth,
Chapman,	Kahle,	Owlett,	Salus,
Ealy,	Kilgallen,	Pierson,	Scarlett,
Gelder,	Lanius,	Pytko,	Stiefel,
Gilson,	Mallery,	Rankin,	Thompson,
Henney,	McCreesh,	Rice,	Wolfenden,
Homsher,	McGinnis,	Rupp,	

NAYS—15

Barthold,	Eroe,	Kunkel,	Shapiro,
Cavalcante,	Frey,	Law,	Sipe,
Dando,	Haluska,	Reed,	Sones,
Deitrick,	Jacobs,	Rodgers,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1208, entitled:

An Act to amend sections twelve and fourteen as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and returned to school service and to persons who have separated from school service because of physical or mental disability

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gilson,	Law,	Rodgers,
Bean,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1238, entitled:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Haluska,	Law,	Rodgers,
Bean,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Huffman,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1251, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number one hundred eight) entitled "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class" by making further provisions relative to the appointment of members of the said board.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SALUS. Mr. President, I would like to interrogate the sponsor of this bill, Mr. Stiefel.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Stiefel, permit himself to be interrogated?

Mr. STIEFEL. Mr. President, I will, gladly.

Mr. SALUS. Mr. President, this bill was passed just two weeks ago by the Senate and the House and signed by the Governor. I would like to ask the Senator from Philadelphia, Mr. Stiefel, what is the idea of this present amendment?

Mr. STIEFEL. Mr. President, anytime you can perfect a bill, and it needs perfection, you might as well amend it.

Mr. SALUS. Mr. President, I would like to ask the Senator in what way this bill needs perfection?

Mr. STIEFEL. Mr. President, it may be that when the time would come there may be differences of opinion between the persons who were supposed to make the appointments. If the county clerk fails to make an appointment, then after a lapse of a certain number of days the City Controller, or the County Controller—you cannot permit differences of opinion between persons when they interfere with the functions of the board.

Mr. SALUS. Mr. President, I would like to ask the Senator when these differences that he is talking about arise?

Mr. STIEFEL. Mr. President, in many cases where legislation is not based on anticipation and a difference of

opinion may occur, we may as well include a provision which will make the City of Philadelphia immune from such differences of opinion.

Mr. SALUS. Mr. President, I would like to ask the Senator if any effort has been made to use the present bill?

Mr. STIEFEL. Mr. President, no.

Mr. SALUS. Mr. President, I would like to ask the Senator if there has been any disagreement by anybody up to the present day?

Mr. STIEFEL. Mr. President, no.

Mr. SALUS. Mr. President, then why change the bill now if there has been no trouble up to date?

Mr. STIEFEL. Mr. President, as I said, some time you might anticipate certain differences, and to make the City of Philadelphia immune from such differences of opinion, we might just as well make the bill perfect to avoid any consequences of this kind.

Mr. SALUS. Mr. President, I would like to ask the Senator why this was not done when the bill was first passed. If they did not anticipate these changes then, why are they amending the bill now?

Mr. STIEFEL. Mr. President, the Senator from Philadelphia, Mr. Salus, has had many years of experience—

Mr. SALUS. Mr. President, I am still dumb.

Mr. STIEFEL. Mr. President, when the wheels of legislation are turning, sometimes many things will be omitted.

Mr. SALUS. Mr. President, I would like to ask the Senator what was omitted in the bill when it was first passed on?

Mr. SHAPIRO. Mr. President, I move that we adjourn this meeting until somebody tells the truth.

Mr. SALUS. Mr. President, I will get it, I have cross-examined witnesses before, I will ask this question and then we will get right down to it. I ask the Senator from Philadelphia, Mr. Stiefel, if the real reason for the change in this bill is not due to the fact that the present city treasurer did not agree with the program that they thought he would agree to.

Mr. STIEFEL. Mr. President, I do not know that.

Mr. SALUS. Mr. President, oh, yes, you do; Senator tell us about it; come on, open up and tell us about it.

Mr. STIEFEL. Mr. President, my intentions are thoroughly honest and they are conducive to the future welfare of Philadelphia.

Mr. SALUS. Mr. President, I would like to ask the Senator what better government have we had in Philadelphia since the bill was first passed, so far as this bill is concerned.

Mr. STIEFEL. Mr. President, let the Senator vote and we have a chance to perfect it. The new board is not functioning yet, and if we have a chance to perfect it, we might as well avail ourselves to this opportunity. I trust the Senator would not want to call a Special Session of this Legislature.

Mr. SALUS. Mr. President, in other words, if I understand the Senator correctly, this new board has not functioned, and, therefore, has done no wrong.

Mr. STIEFEL. Mr. President, but they have to function, and we are going to have it function smoothly, and for that purpose we drew up these amendments.

Mr. SALUS. Mr. President, I ask the Senator if it is not really the truth that some one has found out that this board will not function the way some one wants it to function.

Mr. STIEFEL. Mr. President, I told the Senator that I am innocent of any wrong intentions.

The PRESIDENT. This is sort of a philosophical interrogation.

Mr. SALUS. Mr. President, before we vote on this bill, I would like to make just one statement: in view of the fact that the author of this bill is thoroughly innocent, I will ask the jury to acquit him, but I know how innocent and I know how guilty this bill is. This is a bill that was passed some time ago, and if the City Treasurer were going to vote with certain people and along certain lines, everything would be allright, but they found out that he did not agree with them and did not have the same ideas that those people have; therefore, they now come here to change the bill and take away the power from the City Treasurer. It is first-class politics but not strictly on the up and up.

Mr. STIEFEL. Mr. President, lawyers have a certain term which is known—the thing speaks for itself—but when it comes to the question of improving the government of the City of Philadelphia,—the thing speaks for itself and we are only wasting time by answering Senator Salus; everybody is cognizant, and if we have a board to improve the Government of Philadelphia, let us avail ourselves of the opportunity of the present time.

Mr. SALUS. Mr. President, this is the last word, and I will not say any more about the bill. I oft times hear of very sick people dying by improvements and I think that is what is going to happen here.

Mr. SHAPIRO. Mr. President, I think it is only fair that the members of this Senate to know that this bill to cure a very serious situation for the reason that the board has not functioned is because the Republican Party prevented it from functioning by going into court and procuring an injunction against the City Treasurer and the Controller, prohibiting them from appointing the board under the original act, and in order to anticipate some objections that have been raised, one of them being, that since three members are appointed by the Controller and three by the Treasurer and one member, the seventh, by both, that there may come a time when neither of them can agree on the seventh man and prevent the board from functioning, and to prevent that and anticipate the argument that will probably be made in the Supreme Court, this bill is introduced, and it will correct that situation and avoid any arguments.

Mr. SALUS. Mr. President, I just cannot let that go. I do not mind being kidded and I do not mind being fooled and I do not find fault with anybody who do not have a lobby. The real story is that there were seven members and the City Treasurer was supposed to be the seventh man, and he was supposed to resign from his political office as City Treasurer in order that he might be the seventh man but evidently they did not understand him very well, as he refused to be a party to the proceedings and they could not afford to take a chance with the City Treasurer, so that they are coming up here to change conditions so that the City Treasurer will be out, and when the vote is taken here tonight, my Democratic friends, are going to put the City Treasurer out, and he will no longer annoy them and they will have the Controller to do the business for them.

Mr. SHAPIRO. Mr. President, if the Senator from Philadelphia, Mr. Salus, reads the bill which it is proposed to change by amendment he will find that no where in it is the City Treasurer able to fit in the qualifications set forth for the appointment; they are engineers, real estate men and a business man—the Treasurer cannot fit in under that qualification. The conversation that the Senator is talking about was in the newspapers.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Henney,	Law,	Rodgers,
Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Haluska,			

NAYS—11

Bean,	Gelder,	Owlett,	Scarlett,
Buckman,	Homsher,	Pierson,	Wolfenden,
Deitrick,	Mallery,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1061, on third reading, postponed, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Heyburn,	McCreesh,	Rupp,
Cavalcante,	Huffman,	McGinnis,	Ruth,
Dando,	Jacobs,	Mundy,	Salus,
DiSilvestro,	Jaspan,	Pytko,	Shapiro,
Eroe,	Kahle,	Rankin,	Sipe,
Frey,	Kilgallen,	Reed,	Sones,
Gilson,	Kunkel,	Rice,	Stiefel,
Haluska,	Lanius,	Rodgers,	Thompson,
Henney,	Law,		

NAYS—10

Bean,	Gelder,	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Wolfenden,
Deitrick,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I move that the remaining bills on the third reading Calendar, go over in their order and that we proceed to the consideration of the second reading Calendar.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 83, as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million four hundred eighty-five thousand dollars ($1,485,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the general maintenance of the University and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the University of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 127, as follows:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million one hundred eighty-eight thousand dollars ($1,188,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the general maintenance of the University of Pittsburgh and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the University of Pittsburgh including maintenance of teaching facilities in hospitals for students in the School of Medicine of the University of Pittsburgh including the Maternity Dispensary and other dispensaries.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 166, as follows:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty thousand dollars ($30,000) be and the same is hereby specifically appropriated to the Board of Trustees of the Philadelphia Museums for the distribution of geographical collections and educational material among the public and other free schools of this Commonwealth and for the preparation and installation of exhibits for the two fiscal years beginning June first one thousand nine hundred thirty-seven payment to be made according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 233, on second reading, entitled:

An Act providing medical aid for certain pupils in public and private schools apportioning funds to various school districts through the Department of Public Instruction and making an apporpriation.

be recommitted to the Committee on Appropriations.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 365, as follows:

An Act to further amend the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article one of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" is hereby amended to read as follows

Section 1 Be it enacted etc That for the purposes of this act the terms and definitions contained therein shall be as follows

Mine In this act the term "mine" includes the shafts slopes drifts or incline planes connected with excavations penetrating coal stratum or strata which excavations are ventilated by one general air current or divisions thereof and connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine when such is operated by one operator

Excavations and Workings The term "excavations and workings" includes all the excavated portions of a mine those abandoned as well as the places actually being worked also all underground workings and shafts tunnels and other ways and openings and all such shafts slopes tunnels and other openings in the course of being sunk or driven together with all roads appliances machinery and material connected with the same below the surface

Shaft The term "shaft" means a vertical opening through the strata that is or may be used for the purpose of ventilation or drainage or for hoisting men or material or both in connection with the mining of coal

Slope The term "slope" means an incline or opening used for the same purposes as a shaft

Operator The term "operator" means any firm corporation or individual operating any coal-mine or any part thereof

Superintendent The term "superintendent" means the person who shall have on behalf of the operator immediate supervision of one or more mines

Mine Foreman The term "mine foreman" means the person whom the operator or superintendent shall place in charge of the inside workings of the mine and of the person employed therein

Inspector The term "inspector" means the person commissioned by the Governor to have supervision of mines as hereinafter prescribed

Bituminous Mines The term "bituminous mines" shall include all coal-mines in the State not now included in the anthracite boundaries and whenever the term "mine" appears in this act it shall be construed to mean "bituminous coal-mine"

Approved Safety Lamp The term "approved safety lamp" shall mean any bonneted safety lamp approved by the [Department of Mines] Secretary of Mines

Approved Electric Lamp The term "approved electric lamp" shall mean any electric lamp approved by the Secretary of Mines

Section 2 That section six of article two of said act is hereby amended to read as follows

Section 6 Whenever a mine is [worked-out or] abandone indefinitely or permanently the operator or the superintendent shall notify the inspector of the district at once and shall within sixty days thereafter extend the inspector's map to show clearly all worked-out or abandoned territory with all property and boundary lines and elevations as required in section one of this article

The owner or the operator of [the] a permanently abandoned mine shall also within sixty days after its abandonment send to the Department of Mines a tracing or print of said complete original may which shall be kept in the department as a public document The mining engineer or surveyor shall certify that said tracing or print is a true and correct copy of the original map of said mine and that the original map is a true complete and correct map and survey of all the excavations made in said permanently abandoned mine

Section 3 That sections two three six and eight of article three of said act are hereby amended to read as follows

Section 2 The superintendent shall not obstruct the mine foreman or other officials in the fulfillment of any of their duties as required by this act but he shall direct provide the means and see to it that the mine foreman and all the other employes under him comply with the law in all its provisions especially when his attention is called by the inspector to any violation of the law At any mine where a superintendent is not employed the duties that are herein prescribed for the superintendent shall devolve upon the mine foreman in addition to his regular duties

Section 3 The superintendent of every mine shall provide a sufficient number of danger signals upon request of the mine foreman which the mine foreman or the assistant mine foreman shall distribute in the mine at places convenient for the use of the fire bosses in the fulfillment of their duties Danger signals in all mines shall be uniform and of a design approved by the [Chief of the Department of Mines] Secretary of Mines All danger signals shall be kept in good condition and no defective signal shall be allowed to remain in any mine

Section 6 The superintendent shall provide a safety catch or other safety device to be placed on the rear end of the rear car of full trips that are being hoisted up slopes and he shall also proved [suitable] signals approved by the Secretary of Mines to be [placed on the rear end of the rear car of all trips hauled] carried on

the last car of all trips pulled and the first car of all trips pushed in the mines by locomotives of any kind He shall also provide head lights alarm bells and re-railing devices for all locomotives used in mines and it shall be the duty of the superintendent to see to it that such safety devices and signals are placed and used in the manner stated

Section 3 The operator or the superintendent of every mine shall within thirty days thereafter send to the inspector notices of the following occurrences

[First When a mine has been abandoned or the working thereof discontinued]

[Second] First When any work has commenced for the purpose of opening a new mine

[Third] Second When the working of a mine is resumed after an abandonment or a discontinuance for a period exceeding two months

[Fourth] Third When any change occurs in the name of a mine or in the name of the operator of a mine under the provisions of this act

Section 4 That section one of article four of said act as amended by section two of the act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws 716) is hereby further amended to read as follows

Section 1 In order to secure efficient management and proper ventilation of the mines to promote the health and safety of the persons employed therein and to protect and preserve the property connected therewith the operator or the superintendent shall employ a competent and practical mine foreman for every mine where [ten] five or more persons are employed who shall be under the supervision and control of the operator or the superintendent The mine foreman shall have full charge of all the inside workings and the persons employed therein subject however to the supervision and control of the operator or the superintendent in order that all the provisions of this act so far as they relate to his duties shall be complied with and the regulations prescribed for each class of workmen under his charge carried out in the strictest manner possible If the mine is generating explosive gas in quantities sufficient to be detected by an approved safety lamp the mine foreman must possess a first grade mine foreman's certificate [or] be a person who in the judgment of the operator is a person equally competent with the holders of such certificates] If the mine is non-gaseous the mane foreman must possess either a first grade mine foreman's certificate or a second grade mine foreman's certificate [or be a person who in the judgment of the operator is equally competent with the holders of such certificates]

When the mine workings become so extensive that the mine foreman is unable personally to carry out the requirements of this act pertaining to his duties he shall have the right to employ a sufficient number of competent persons to act as his assistants who shall be under his instructions and the opeator's or the superintendent's instructions in carrying out the provisions of this act If the mine is generating explosive gas in quantities sufficient to be detected by an approved safety lamp the mine foreman's assistants must possess first grade assistant mine foreman's certificates [or be a person who in the judgment of the operator is equally competent with the holders of such certificates] If the mine is non-gaseous the mine foreman's assistants must possess either a first grade assistant mine foreman's certificate or a second grade assistant mine foreman's certificate

In case of the necessary temporary absence of the mine foreman he may deputize his work for the time being to his assistant who shall perform all the duties of the mine foreman The right to hire and discharge employes the management of the mine and the direction of the working forces are vested exclusively in the operator and no person or persons association or associations organization or organizations corporation or corporations shall interfere with or attempt to interfere with abridge or attempt to abridge in any manner whatsoever such right Provided That this act shall not invalidate any existing contract

Section 5 That sections six seven and eight of article four of said act are hereby amended to read as follows

Section 6 The mine foreman shall direct and see that every working place is properly secured by props or timbers and shall see that no person is directed or permitted to work in an unsafe place unless it be for the purpose of making it safe He shall also see that [the workmen are provided with sufficient props cap-pieces and timbers of suitable size which shall be delivered at the working faces or as near thereto as they can be conveyed in mine cars when requested by the workmen in accordance with section seven of this article] workmen are provided with sufficient props cap-pieces timbers lagging and wedges all of which shall be reasonably suitable in size and delivered to their working place or places He shall also see that props are cut square at both ends and as near as practicable to the proper length required or designated for the place where they are to be used Moreover he shall see that ties and rails are delivered inside the entrance to the working place or places in which they are to be used

Section 7 Every workman in need of [props] roof supports including wedges cap-pieces [and timbers] and lagging shall notify the mine foreman or the assistant mine foreman (or any other person delegated by the mine foreman) of the fact at least one day in advance giving the number size and length of [props cap-pieces and timbers] roof supports the number of wedges and cap-pieces as well as the quantity of lagging required In case of emergency [the timber] any or all of the material herein named may be ordered immediately upon the discovery of danger If for any reason the necessary [timbers] material can not be supplied when required the mine foreman or assistant mine foreman shall instruct the workmen to vacate the place until the [timber] material needed is supplied

The place and manner of leaving the order for [props cap-pieces and timbers] roof supports including wedges cap-pieces and lagging shall be designated and specified in the rules of the mine

Section 8 The mine foreman shall see that on all animal [and mechanical] hauling roads in entries driven after the passage of this amendment holes for shelter shall be cut into the strata not less than [two and one-half] four feet deep and not more than four feet wide and level with the road at least every thirty yards and kept whitewashed and clear of obstruction except in entries from which rooms are driven at regular intervals not exceeding ninety feet Provided That the entrance to each room be kept clear of obstruction for a distance of [three] six feet On all [main] hauling roads in entries driven after the passage of this amendment on which hauling is done by machinery shelter holes shall be cut into the strata not less than [two and one-half] four feet deep and [at least] not more than four feet wide and level with the road and not more than fifteen yards apart and said shelter holes shall be kept whitewashed and clear of obstruction except in entries from which rooms are opened at regular intervals not exceeding forty-five feet Provided That the entrance to such rooms be kept clear of obstruction for a distance of [three] six feet All shelter holes shall be made on the same side of the entry All entries driven after the passage of this act shall have a clear space of two and one-half feet from the side of the car to the rib which shall be made and continued throughout on one side of the entry if in the judgment of the inspector the condition of the roof will permit and shall be kept clear of obstruction

No person except officials or repairmen shall be permitted to travel on slopes gravity or incline planes while the cars thereon are in motion

Section 6 That section nine of article four of said act as amended in part by section one of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 613) is hereby consolidated and further amended to read as follows

Section 9 The mine foreman shall direct that the coal is properly mined before it is blasted "Properly mined" shall mean that the coal shall be undercut center-cut overcut or sheared by pick or machine and in any case the [undercutting] cutting shall be as deep as the holes are laid In mines generating explosive gas in quantities sufficient to be detected by an approved safety lamp when the

coal seam is five six inches or more in thickness "properly mined" shall mean that in all entries less than ten feet wide wherein the coal is undercut or overcut it shall be sheared on one side as deep as the [undercutting] cutting before any holes are charged and fired or the coal shall be blasted in sections by placing the first hole near the center of the coal seam He shall [also] direct that [the miner set] sprags be set as often as necessary but at a distance not exceeding seven feet apart under or upon the breast of undermined [or] center-mined or over-mined coal [for safety] The mine foreman shall direct at what hours blasting shall be done in the mine and a notice of the time shall be posted at a conspicuous place at the mine and a copy of the notice shall be kept on file at the mine office Provided however that in districts in which it has been the common practice to blast coal from the solid said practice or method may be continued notwithstanding any thing to the contrary herein contained

In such portions of a dry and dusty mine where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp the mine foreman shall direct and see that the rooms and entries are moistened by water or other efficient means as often as necessary to keep the dust in damp condition and he shall direct and see that the dust is loaded and taken out of the mine as often as necessary

In lieu of the above provisions rock dust may be substituted for or used in conjunction with water under the following conditions The rock dust to be used shall be pulverized so that one hundred per cent will pass through a sieve having twenty meshes per lineal inch and fifty per cent or more will pass through a sieve having two hundred meshes per lineal inch It shall not contain more than five per cent combustible matter nor more than twenty-five per cent of quartz or free silica particles and not be unduly absorbent of moisture Preference shall be given to the lighter colored rock dust

The rock dusting shall be done with such regularity and frequency that all surfaces required to be rock dusted shall be kept in such condition that the incombustible content of the adhering and lodging dust shall not be less than fifty-five per cent

The rock dust shall be distributed on top bottom and sides of all [main haulages and all active entries to the last open cut-through and to a distance of not less than twenty-five in all active rom and pillar workings and in all return airways where hauling or traveling is done

In other places in which no hauling is done the rock dust may be distributed by the air current or other means provided that the amount specified in this act is distributed or such places may be protected by rock dust barriers which shall be subject to the approval of the mine inspector as to design and location When such barriers are installed the amount of rock dust used shall be at least one hundred (100) pounds per square foot of average cross section of entry at the barrier zone The barriers shall be maintained at all times in workable condition and inspected monthly and a report of such inspection showing the condition of the barrier shall be entered on the space provided for such purpose in the book furnished by the Department of Mines for recording the rock dust sample

The superintendent shall see that a sufficient number of samples of dust are gathered each month from the road roof rib and timbers on each split of air and tested to determine if any part of the mine requires redusting and a record shall be kept in a book provided for that purpose showing the location at which samples have been taken and the results of the analyses or tests The book shall be furnished by the Department of Mines in the same manner as is provided for the record books of the mine officials When the working faces of entries airways rooms and other working places are kept damp by watering as provided in this article the outbye portions of such places when required shall be treated with rock dust or water] haulageways travelingways airways developing entries and entries producing coal from rooms or pillars and their parallel entries

The superintendent shall see that a representative sample of dust is gathered at each sampling point from the roof sides and floor of all entries by a competent person once each two months and tested to determine if any part of the mine requires redusting and a record shall be kept in a book provided for that purpose through the Department of Mines in the same manner as is provided for the record books of the mine officials showing the location at which samples have been taken and the results of the analyses or tests The distance between sampling points on haulageways travelingways and airways shall not exceed two thousand feet but in developing entries and in entries producing coal from rooms or pillars and their parallel entries the distance between sampling points shall not exceed five hundred feet

If in the judgment of the mine inspector of the district any mine or portion of a mine is of such a dry and dusty nature as to cause a hazard from coal dust he shall direct that the said mine or portion of a mine be rock dusted or watered as provided in this article However [should] if in the judgment of the inspector of the district the coal in the coal bed is of such a dry and dusty nature that the various processes of releasing the coal from the coal bed and its subsequent loading and transporting throws into suspension in the atmosphere of a working place or places such an amount of coal dust as to indicate danger therefrom he shall direct that all coal in such working place or places be watered to the extent that coal dust will not be thrown into suspension in the atmosphere of the working place or places in such quantity as to indicate danger from coal dust while the coal is being loaded and transported Should the operator superintendent or mine foreman of any mine be satisfied with the decision of the mine inspector in regard to [the] watering or rock dusting [or in regard to rock dust barriers of any mine or portion of a mine] it shall be the duty of the dissatisfied person to appeal from such decision to the Secretary of Mines who shall at once direct two or more of the other inspectors to accompany promptly the inspector of the district to make further examination into the matter in dispute If the said inspectors shall agree with the decision of the inspector of the district their decision shall be final and conclusive unless the dissatisfied person shall within seven days of the receipt of the decision of the committee of inspectors appeal therefrom to the court of quarter sessions of the county in which said maine is situated [whereupon the court or the judges shall appoint a commission of five persons as required by article ten of this act] and thereafter the proceedings had shall be as prescribed by sections one and two of [said] article ten of this act as amended

The mine foreman shall direct and see that as the miners advance in their excavation all dangerous and doubtful pieces of coal slate and rock overhead are taken down or at once carefully secured against falling on the workmen Any workman who neglects to carry out or disobeys the instructions of the mine foreman or his assistant in regard to securing his working place shall be suspended or discharged by the mine foreman and if such negligence or disobedience results in serious injury or loss of life to any person the mine foreman shall give the name of said workman to the inspector for prosecution in accordance with section two article twenty-six of this act

Section 7 That sections ten and thirteen of article four of said act are hereby amended to read as follows

Section 10 The mine foreman shall give prompt attention to the removal of all dangers reported to him by his assistants the fire boss or by any other person working in the mine and in case it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous conditions exist He or his assistant shall once each week travel and examine all the air courses and roads and all the openings that give access to old workings or falls and make a record of the condition of all places where danger has been found with ink in the book provided for that purpose

In all mines the mine foreman shall employ a sufficient number of assistants to insure a visit to each working place during each shift either by himself or by his assistants [once each day] while the employes are at work and in all mines or portions of mines in which fire bosses

are not regularly employed the mine foreman shall if in the judgment of the inspector of the district the roof conditions require extraordinary supervision employ a sufficient number of assistants to insure two visits to each working place during each shift either by himself or his assistants while the employes are at work in such mines or portions of mines and in all mines the interval of time between visits shall be arranged so as to secure the most efficient and effective supervision In addition thereto the mine foreman or the assistant mine foreman shall give special care oversight and attention to the men drawing pillars particularly when falls are thereby being made The mine foreman or the assistant mine foreman under instructions from the mine foreman shall direct that the holes for blasting shall be properly placed and shall designate the angle and depth of holes which shall not be deeper than the under-cutting center-cutting over-cutting or shearing and the maximum quantity of explosives required for each hole and the method of charging and tamping Instructions shall be given the men by the mine foreman assistant mine foreman or fire boss or other authorized person as to when where and how timber shall be placed so as to avoid accidents from falls and also in a general way how to mine coal with safety to themselves and others He shall also see that the roof and sides of all passageways over or through which men are transported in a car or cars shall be examined by a competent person or persons within three hours before the appointed time for the day shift to enter the mine

At the end of each shift each assistant mine foreman shall make a report in a book provided for that purpose giving the general condition as to safety of the working places visited by him and shall make a note of any unusual occurrence observed by hi mduring the day The mine foreman shall read carefully the daily report of each assistant mine foreman and shall sign the report with ink [not later than the day following] daily

Section 13 [In every mine generating explosive gas in quantities sufficient to be detected by an approved safety lamp where coal dust is being carried in the air currents in quantities indicating danger the] The mine foreman shall see that no person is employed to work in [the] any mine until he has given satisfactory proof that he can do the work allotted to him without endangering the lives of his co-employes unless said person is put to work with an experienced [miner] employe whose duty it shall be to instruct such inexperienced person how [to] safely and properly to perform his work

Section 8 That section fourteen of article four of said act as amended in part by section two of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 613) is hereby consolidated and further amended to read as follows

Section 14 In such portions of a mine where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp and in which approved lamps are used the mine foreman shall employe a sufficient number of competent and legally qualified persons who are able to speak the English language to act as shot-firers whose duty shall be to charge tamp and fire all holes properly placed by the miners and to refuse to charge any holes not properly placed No holes shall be fired by any person other than a shot-firer They shall use none but incombustible material for tamping which the mine foreman shall see is provided for them at convenient places inside the mine Under no condition shall the shot-firer use coal dust or any other combustible material for tamping All such holes shall be fired by an approved electric apparatus and no person other than the shot-firer shall connect the wires of or operate said apparatus Each shot-firer shall keep a record of and report to the mine foreman every hole that he has refused to charge every blown-out shot and every hole that has misfired It shall be the duty of shot-firers and miners who are permitted by this act to fire their own shots to visit and examine the places where shots have been fired before leaving the mine to see that there is no fire or any other danger existing

In all mines in which coal is blasted from the solid all holes shall be fired when all the workmen are out of the mine except shot-firers and persons delegated by the mine foreman to safeguard property

No shot-firer or any other person shall fire a shot in any working place or at any point in any mine if his safety lamp [can detect] indicates explosive gas and he shall not be in possession of any other lamp than an approved safety lamp while performing the duties of a shot-firer [at the roof] This provision is not intended to prohibit blasting in entries going into the solid coal wherein explosive gas is escaping from the coal conditioned it is carried off rapidly rendered harmless and diluted below the point of detection on the flame of an approved safety lamp In gaseous [dusty] mines in which approved [locked] safety lamps are used he shall fire no holes unless the entries and rooms which are dry and dusty are so thoroughly wetted as to prevent the existence of any dry dust for a distance of not less than eighty feet from the hole to be fired unless the dust is rendered inert to explosibility by rock dust [Provided however That in all mines wherein the coal is being blasted from the solid the mine foreman shall direct and see that the provisions of this section are fully complied with]

Section 9 That section seventeen of article four of said act as amended by section two of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 472) is hereby further amended to read as follows

Section 17 In any working place that is being driven within supposedly dangerous proximity to [an abandoned mine or portion of an abandoned mine] any portion of an abandoned mine or any portion of an abandoned mine or any idle portion of an active mine suspected of containing explosive gas or that may contain a dangerous accumulation of water the mine foreman shall see that at least two bore holes shall be maintained not less than twenty feet in advance of the face and on each side of such working place bore holes of the same depth shall be drilled diagonally not more than eight feet apart and any place driven to tap water or gas shall not be more than ten feet wide No water or gas from [an abandoned mine or portion of an abandoned mine] any portion of an abandoned mine or from any idle portion of an active mine and no bore hole from the surface shall be tapped until the employes except those engaged at such work are out of the mine and such work shall be done under the immediate instruction and direction of the mine foreman with the use of [locked] approved lamps Provided That it shall be unlawful to work or employ men to work in any portion of a bituminous coal mine in which a body of water is dammed or held back at a higher elevation in the same mine by natural or artificial means unless permission so to do is given in writing by three mine inspectors or the majority thereof appointed by the Secretary of Mines and it shall be the duty of the owner operator or superintendent of any mine having water so dammed or held back to notify the inspector of the district in which the mine is situated But this provision is not intended to abridge the discretionary power of the inspector of the district nor defeat the right of appeal of the owner operator or superintendent as provided for in sections one and two of article ten of this act as amended

Section 10 That sections nineteen twenty-two and twenty-four of article four of said act are hereby amended to read as follows

Section 19 The mine foreman shall [once each week on blank forms provided for that purpose report to the inspector all fatal and serious accidents] report daily to the superintendent all injuries that have occurred in or about the mines giving the age nationality and occupation of the injured persons together with facts as to the families or dependents affected

Section 22 It shall be the duty of the mine foreman to see that [locked] approved safety lamps are used when and where required by this act The transportation of tools [in] into and out of the mine shall be under the direction of the mine foreman or his assistant

Section 24 When assistant mine foreman are employed their duty shall be to assist the mine foreman in complying with the provisions of this act and they [in the

absence of the mine foreman they shall perform the duties of the mine foreman and shall be liable to the same penalties as the mine foreman for any violation of this act in parts or portions of the mine under their jurisdiction

Section 11 That section one of article five of said act as amended by section three of the act approved the first day of June one thousand nine hundred and fifteen (P. L. 716) is hereby further amended to read as follows

Section 1 In such portions of a mine wherein explosive gas has been generated within one year before the passage of this act or shall be generated after the passage of this act in sufficient quantities to be detected by an approved safety lamp the mine foreman shall employe a fire boss or fire bosses whose competency to act as such shall be evidenced by a certificate of qualification from the Department of Mines on the recommendation of the examining board as provided for in section six article twenty-four of this act [or a person or persons who in the judgment of the operator is equally competent with the holders of such certificates] It shall be the duty of the fire boss to examine carefully before each shift enters the mine every working place without exception all places adjacent to live workings every roadway and every unfenced road to abandoned workings and falls in the [mines] mine but before proceeding with the examination he shall see that the air current is traveling in its proper course In making the examination he shall use no light other than that enclosed in an approved safety lamp The examination shall begin within three hours prior to the appointed time for each shift to enter the mine The fire boss shall examine for dangers in all portions of the mine under his charge and after each examination he shall leave at the face and side of every place examined the date of the examination as evidence that he has performed his duty He shall also examine the entrance or entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate and he shall place a danger signal across [the] each entrance to every working place and every other place where explosive gas is discovered or immediate danger is found to exist from any other cause and said signal shall be sufficient warning for persons not to enter The meaning of all danger signals shall be explained to the non-English speaking employes of the mine in their several languages by the mine foreman assistant mine foreman or fire boss through an interpreter

Section 12 That section three of article five of said act is hereby amended to read as follows

Section 3 A second examination by the same or other fire bosses shall be made during working hours of every working place where men are employed and a report of said examination shall be made in the fire boss report book in the same manner as provided for in section two of this article

Section 13 That section four of article six of said act is hereby amended to read as follows

Section 4 Every mine generating explosive gas in quantities sufficient to be detected by an approved safety lamp opened after the passage of this act shall have at least four main entries two of which shall lead from the main opening and two from the second opening into the body of the mine Provided That every new gaseous mine where approved lamps are used exclusively projected to open up a large acreage with main entries five thousand feet or more in length shall have at least five main entries two of which shall lead from the main opening and two from the second opening into the body of the mine and the fifth (which may be connected with an opening to the surface or with the intake airway at or near the main intake opening) shall be used exclusively as a traveling way for the employes

Every non-gaseous mine opened after the passage of this act shall have at least two main entries one of which shall lead from the main opening and one from the second opening into the body of the mine Provided That in every new non-gaseous mine projected to open up a large acreage with main entries five thousand feet or more in length the operator shall either haul the employes into and out of the mine at the beginning and end of each shift or provide at least three main entries one of which shall lead from the main opening and one from the second opening into the body of the mine and one (which may be connected with an opening to the surface or with the intake airway at or near the main intake opening) shall be used exclusively as a traveling way for the employes

Should any mine opened as a non-gaseous mine become a gaseous mine and in every gaseous mine opened prior to the passage of this act where [locked] approved safety lamps are used exclusively having less than five main entries that have reached five thousand feet or more in length and are to be extended two thousand feet or more the superintendent shall have a new opening of ample dimensions made from the surface if the inspector of the district and two additional inspectors appointed by the [Chief] Secretary of the Department of Mines deem such additional opening necessary for the proper ventilation of the mine or the safety of the miners The main entries and the travelingway shall be extended from this opening to the face of the workings [The operator may continue to work said mine or mines under the provisions and requirements of this act for a non-gaseous mine until by due diligence the operator can change conditions to meet the provisions and requirements of this paragraph] Provided however should the inspector of the district be of the opinion that any mine is in need of an additional opening from the surface into the interior of the mine for the proper ventilation thereof or the safety of those employed therein regardless of the number or length of main entries from the main openings of the mine he shall so notify the Secretary of Mines who shall appoint forthwith a committee of not less than five inspectors including the inspector of the district to immediately investigate and consider the alleged conditions making an additional opening necessary

If the committee of inspectors or a majority thereof shall agree with the inspector of the district that an additional opening from the surface into the interior of the mine is necessary for the proper ventilation thereof or the safety of those employed therein they shall so notify the superintendent manager or operator and the Secretary of Mines and the decision of the commitee of inspectors shall be final and conclusive unless the dissatisfied person shall appeal therefrom to the court of quarter sessions of the county in which the mine is situated within seven days from the receipt of the decision of the committee of inspectors

Whereupon the court of quarter sessions shall speedily determine the question involved in said decision and appeal in accordance with sections one and two of article ten of this act as amended and the decision of said court shall be binding and conclusive

If the court of quarter sessions shall finally sustain the decision of the committee of inspectors and said decision requires the use of the opening as a means of ingress or egress than the additional opening if it be a shaft opening shall be supplied with safe and suitable hoisting equipment or a stairway built in accordance with section six of this article and in any case the stairway or other escapeway shall be ventilated with intake air and said stairway or other escapeway shall be joined to and connected with an intake airway If the additional opening be divided into compartments the partition shall be substantially built of incombustible material

The intake and return entries shall be kept drained and free from refuse and obstructions of all kinds so that persons may safely travel therein throughout their whole length and have a safe means of egress from workings in case of emergency Said entries shall be separated by pillars of coal of sufficient strength and shall not be driven more than two hundred feet beyond the last cut-through except for exploratory purposes

When the main entry of a non-gaseous mine or both main entries of a gaseous mine used for intake or air are also used for mechanical haulage a separate traveling way leading into the body of the mine shall be provided for the use of the employes in going to and from

their work or the employes shall be hauled into and out of the mine at the beginning and end of each shift

In all mines where the coal seam is less than three and one-half feet in height such traveling way shall be at least four and one-half feet in height in all mines where the coal seam is four feet in height such traveling way shall be at least five feet in height and the width shall not be less than six feet. All such traveling ways shall be well drained kept free from refuse of all kinds and free from smoke noxious gases and electric wires unless said wires are so placed and protected as not to endanger life and are kept in safe condition

Section 14 That sections three and four of article seven of said act are hereby amended to read as follows

Section 3 [Rock and coal from] Men or materials shall not be raised or lowered in shafts that are being sunk [shall not be raised] except in a bucket or on a cage and said bucket or cage must be connected with the rope by a safety hook clevis or other safe attachment The rope shall be fastened to the side of the drum and not less than three coils of rope shall always remain on the drum If said shafts are one hundred feet or more in depth they shall be provided with guides and guide attachments applied in such manner as to prevent the bucket from swinging while being lowered or hoisted and said guides and guide attachments shall be maintained at a distance of not more than seventy-five feet from the bottom of the shaft

Section 4 It shall be the duty of the person in charge of shaft-sinking for the contractor or company to see that the sides of all shafts are properly secured for safety and that no loose rock or material is allowed to remain o nany timber on top or on any timber in the shaft after each blast Where explosive gas is encountered the person in charge shall see that the shaft is examined before each shift and before the men descend after each blast and also that the place is safe In sinking shafts all blasts must be exploded by electric battery Provisions must also be made for the proper ventilation of shafts while being sunk and in all sinking shafts and in all shafts that are being repaired safety belts shall be provided by the operator or contractor and used by all persons working above the floor of the shaft unless a substantial scaffold is erected that effectively closes the shaft opening immediately below the point where work is being done

Section 15 That sections one and four of article eight of said act are hereby amended to read as follows

Section 1 The operator or the superintendent shall provide and hereafter maintain in good condition from the top to the bottom of every shaft or slope where persons or material are lowered or hoisted a telephone or metal tube of proper diameter suitably adapted to the free passage of sound through which conversation may be held and understood between persons at the top and the bottom of said shaft or slope and he shall also provide means of signaling from the top to the bottom and from the bottom to the top of such shaft or slope The same provisions shall apply to inside planes whereon coal is lowered and persons have to travel when required by the inspector In all [gaseous] mines telephone connections shall be made from the surface to the main [section] sections of the mine when required by the inspector All signaling apparatus and telephone connections shall be kept in good condition and shall be always available for service

The operator or the superintendent shall provide every cage used for lowering or hoisting persons with hand-rails at sides or overhead or additional suitable devices and covering overhead to protect persons thereon and shall with chain bar or gate at ends and with a sufficient also provide for each said cage efficient safety catches which shall be tested once ever two months and a record of each test shall be sent to the inspector and to the superintendent and also recorded with ink in a book kept at the mine office for that purpose The ropes shall be securely attached to the sides of the drum of every machine that is used for lowering and hoisting persons or material into and out of the mine and the flanges shall have a clearance of not less than four inches when the whole of the rope is wound on the drum so that the speed thereof can be controlled when drum and adequate brakes shall be attached to the men are being lowered or hoisted An efficient indicator that shall show the position of the cages in the shaft shall be attached to the hoisting apparatus and an efficient safety device that will prevent overwinding shall be attached to every engine used for lowering and hoisting persons

All shafts shall be provided with safety gates controlled by the cage at the top and intermediate landings said gates to be approved by the inspector

Section 4 All machinery in and about the mines [from which any accident would be liable to occur] shall be properly [fenced off by suitable guard-railing] guarded so as to protect operatives and others from injury

Section 16 That section three of article nine of said act as amended by the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 390) is hereby further amended to read as follows

Section 3 Cut-throughs in entry pillars and in pillars of rooms driven in the "room and pillar" system of mining shall be provided not less than sixteen yards nor more than thirty-five yards apart In mines or portions of mines developed for the purpose of mining by a system other than the "room and pillar" all openings except entries may be driven [one hundred yards] fifty yards without cut-throughs provided the following regulations are enforced

I That sufficient air be circulated to and along the face of each entry cut-through chamber or other opening to sweep away and render harmless all smoke noxious and explosive gases

II In gaseous mines there shall be kept at the face of every working place while the men are at work at least one approved [flame] safety lamp if such place is driven more than one hundred and five feet without a cut-through

III That in every mine where a working place is driven more than one hundred and five feet without a cut-through said place shall be examined by a mine official at least three times a day while the men are or should be at work

IV In [gaseous] mines where it is necessary to drive openings more than one hundred and five feet off any entry or other road not more than [four] two such places shall be advanced at the same time and not more than [six] three places shall be advanced at the same time in any air split without proper connection with the air circuit

V Booster and/or blower fans shall not be used in gaseous mines for the purpose of ventilating workings having no connection with the air circuit unless equipped with government approved flame-proof electric motor Provided however That the location of such fans shall have the approval of the inspector of the district

VI In all gaseous mines where places are driven more than one hundred and five feet without the formation of an air circuit the coal dust in the entries shall be rendered inert to explosibility by the application of shale dust or any other incombustible material and the coal dust in all other openings shall be taken care of as now provided by law

Section 17 That sections four and nine of article nine of said act are hereby amended to read as follows

Section 4 The quantity of air passing a given point shall be ascertained by an anemometer the measurements to be taken by the mine foreman or an assistant mine foreman once every week at or near the main inlet and outlet airway in the mine and also at the last cut-through in the last room and in the entry beyond the last room turned and when requested by the inspector the mine foreman and/or the superintendent shall once each week direct and see that the methane content of the ventilating current or currents is determined by analyses or by an instrument capable of accuracy to five one-hundredths of one per centum The samples or the determinations shall be taken on the return end of the air circuit or

circuits just beyond the last working place unless otherwise directed by the inspector and a correct report of these determinations shall be promptly furnished to the inspector Said measurements determinations or samples shall be taken on days when the men are at work

Section 6 Every ventilating fan at non-gaseous mines shall be kept in operation continuously day and night unless operations are definitely suspended except when written permission is given by the inspector to stop it The said permission or a copy thereof shall be posted by the mine foreman in a conspicuous place at the entrance or entrances to the mine and shall state the particular hours the fan may be stopped The inspector shall have the power to withdraw or modify such permission at any time and in any manner he may deem best In all cases [however] in which permission has been given by the inspector to stop the ventilating fan the fan shall be started two hours before the time to begin work It shall be the duty of the mine foreman to see to it that all persons are out of the mine before the fan is stopped and that no person be permitted to enter the mine until the fan has been in operation for a period of two hours

Every ventilating fan at gaseous mines shall be kept in operation continuously day and night unless operations are definitely suspended Provided That should it at any time become necessary to stop the fan at any time (gaseous or non-gaseous) on account of accident to part of the machinery connected therewith or by reason of any other unavoidable cause it shall then be the duty of the mine foreman or the assistant mine foreman in charge after first having provided for the safety of the persons employed in the mine to order said fan stopped for necessary repairs Provided further That should the ventilating fan or fans be stopped at any time for any reason whatsoever at any gaseous mine for a period of time sufficient to cause a serious interruption of the ventilation the source of electric power shall be forthwith disconnected from the mine and the source of electric power shall not be reconnected with the mine until the fan or fans have been started and the mine has been examined by the mine foreman assistant mine foreman or fire boss and reported safe A record of such examination shall be entered in the fire boss record book The Superintendent of the Mine shall be responsible for the execution of this latter provision

Every ventilating fan shall be provided with a recording instrument by which the number of revolutions or the effective ventilating pressure of the fan shall be registered and the registration for each day with the date thereof shall be kept in the office at the mine for future reference for one year

No main or principal ventilating fan shall be placed inside of any mine No auxiliary fan unless driven by electricity or compressed air shall be placed in any mine If the fan be electrically driven the motor shall be placed in the intake airway

Every ventilating furnace in a mine shall be properly attended to and operated by a competent person employed by the mine foreman for that purpose for two hours before the appointed time to begin work and constantly thereafter during working hours

Section 9 No product of petroleum or alcohol or any compound [that in the opinion of the inspector shall contaminate the air to such an extent as to be injurious to the health of the miner] thereof shall be used as motive power in any mine without the written consent of the inspector which written consent shall state the conditions under which it may be used as a motive fuel

Section 18 That the heading and section one of article ten of said act as amended by section three of the act approved the seventh day of April one thousand nine hundred and twenty-five (P. L. 175) are hereby further amended to read as follows

APPROVED ELECTRIC LAMPS [LOCKED] APPROVED SAFETY LAMPS AND OPEN LIGHTS DEFINING WHEN THEY CAN BE USED

Section 1 The use of open lights is prohibited in any [entry airway travelingway room or any other working place] portion of a mine or portion of a mine as used in this article being all places of whatever name or number ventilated by the same air current where explosive gas is being generated or carried by the air current in such quantity as can be detected by an approved safety lamp also in pillar workings where a sudden inflow of explosive gas is likely to be encountered and all such places shall be worked exclusively with [locked] approved safety lamps This does not prohibit the use of approved electric lamps Provided That the mine foreman the assistant mine foreman the fire bosses machine runners pumpers and all other persons required by the mine foreman shall in addition thereto use approved [flame] safety lamps for detecting explosive gas The use of open lights is also prohibited in all working places roadways or other portions of the mine through which explosive gas might be carried in the air current in quantities indicating danger Provided however That if the inspector is of the opinion that any mine or any portion of any mine shoull be operated by the use of [locked] approved lamps exclusively he shall have the right to petition the [Chief] Secretary [of the Department] of Mines in writing setting forth such opinion and his reasons therefor Whereupon the said [Chief] secretary shall forthwith instruct two or more other inspectors to accompany the inspector of the district to make a further thorough examination into the matter in dispute and of all workings of said mine whether in active operation or not The said committee of inspectors shall within seven days of their appointment make a report in writing to the [Chief] Secretary of [the Department of] Mines and to the superintendent general manager operator or owner of said mine giving the conclusions arrived at with their reasons therefor and the decision of said committee shall be final anl conclusive unless the superintendent general manager operator or owner shall within seven days of the receipt thereof appeal from such decision to the court of quarter sessions of the county in which the mine is located Whereupon the court or a judge of said court in chambers shall [forthwith appoint four practical reputable and competent persons two of whom shall be recommended by the superintendent general manager operator or owner and the other two by the Chief of the Department of Mines and the four persons thus recommended shall name a fifth person who also must be practical reputable and equally competent and the five persons so named none of whom shall be in the employ of the operator operating company or any of its officers or of the State Department of Mines shall constitute a commission to investigate and report on the matter in dispute Provided however In case any or all of the said four persons are not recommended by a writing filed in said court within seven days after the appeal is filed that then the said court shall fill the vacancy or vacancies by the appointment of a practical reputable and competent person or persons and in case the four persons thus chosen shall not agree in writing upon the fifth person of this commission within five days after they have received notice of their appointment then the said court shall appoint the said fifth person on this commission The duty of said commission of five persons shall be under the instruction of the court to forthwith examine said mine or a portion thereof and report under oath within ten days after their appointment the facts as they exist and the conditions pertaining thereto and based upon such conditions and facts the decision of a majority on the matter in dispute and their report and decision shall be final and conclusive unless exceptions thereto shall be filed by the superintendent general manager operator or owner or the Chief of the Department of Mines within seven days of the filing of said commission's report If exceptions are filed the court shall at once hear and upon testimony taken thereon determine them and enter a decree in accordance with such determination Provided That the superintendent general manager operator owner or Chief of the Department of Mines shall thereafter have the right to have the record and proceedings removed to the supreme court for review by appeal or writ of error] speedily determine the question involved in said

decision and appeal and the decision of said court shall be binding and conclusive

The court or a judge of said court in chambers may in its discretion or may at at the request of either party appoint three practical reputable competent and disinterested persons whose duty it shall be under instructions of the said court to forthwith examine such mine or other cause of complaint and report under oth the facts as they exist or may have been together with their opinions thereon within thirty days after their appointment The report of said commission shall become absolute unless exceptions thereto shall be filed within ten days after the notice of the filing thereof by the superintendent general manager operator owner or mine inspector as aforesaid If exceptions are filed the court shall at once hear and determine the same and the decision shall be final and conclusive

Section 19 That section two of article ten of said act is hereby amended to read as follows

Section 2 If said court of quarter sessions sustains the decision of the committee of inspectors [and said court's decree is not appealed from or if on appeal the supreme court finally sustains the decision of the inspectors] then the appellant from said decision of the committee of inspectors shall pay all costs of such proceedings but if the said court of quarter sessions [or the supreme court] shall not sustain the decision of the committee of inspectors then all costs shall be paid by the [Commonwealth] county Provided however That any and all appeals from any decision made by the committee of inspectors or made by the [committee] commission appointed by the court of quarter sessions shall work as a supersedeas to such decision during the pendency of such appeal [either] to the court of quarter sessions [or to the supreme court]

Section 20 That section three of article ten of said act as amended by section four of the act approved the seventh day of April one thousand nine hundred and twenty-five (P. L. 175) is hereby further amended to read as follows

Section 3 The use of open lights is strictly prohibited in the return air current of any portion of a mine that is ventilated by the same continuous air current that ventilates any other portion of said mine in which [locked] approved safety lamps or approved electric lamps are used [The provisions of this section shall not apply to any as provided for in section one article ten of this act mine wherein explosive gas is generated only at the face of active entries]

Section 21 That sections four and nine of article ten of said act are hereby amended to read as follows

Section 4 If at any time one portion of a mine is worked by the use of [locked] approved safety lamps while another portion is worked by the use of open lights the return air from the gaseous portion shall be conducted directly into a return airway leading to the fan or to the outlet Provided That when a portion of a mine is worked by the use of [locked] approved safety lamps and other portions are worked by the use of open lights it shall be the duty of the mine foreman to provide a suitable danger station with an attendant on duty at all times during working hours day and night whose duty it shall be to see that the employes from the open light portion are not allowed to enter the [locked] approved safety lamp portion unless they are provided with [locked] approved safety lamps by said attendant

Section 9 All approved lamps used for examinating mines or for working therein shall be the property of the operator and shall be in the care of the mine foreman assistant mine foreman fire boss or some other competent person or persons appointed by the mine foreman whose duty it shall be to clean fill trim examine light and deliver them locked and in a safe condition to the men when entering the mine and to receive the lamps from the men when returning from work for which service a charge not exceeding the actual cost of labor and material may be made by the operator At any mine wherein explosive gas was generated within one year be fore the passage of this act in sufficient quantities to be detected by an approved safety lamp a sufficient number of approved safety lamps in use shall be kept in a convenient place and in good condition for use in case of emergency It shall be the duty of every person who knows that his approved lamp is injured or defective to return it immediately and report such fact to the person authorized to receive and care for said lamp who shall report the matter to the mine foreman assistant mine foreman or fire boss as soon as practicable

Section 22 That the title and first two lines of article eleven of said act is hereby amended to read as follows

Special Rules for the Installation of Electricity and for the Maintenance of Electrical Equipment

[The following rules shall be observed as far as is reasonably practicable in the mines]

It shall be the duty of the mine foreman and superintendent to see that the following rules for the installation of electricity and the installation and maintenance of electrical equipment are observed after the passage of this amendment

Section 23 That rule three in section one of article eleven of said act is hereby amended to read as follows

Grounding

3 All metallic coverings metal armoring of cables [other than trailing cables and where installed underground the] and the frames and bed-plates of generators transformers and motors [other than low voltage portage motors] shall be [efficiently] effectively grounded as shall also the neutral wire of the three wire continuous current systems

Section 24 That rules twenty-one the sub-heading before rule twenty-two and rule twenty-two of section two of article eleven of said act are hereby amended to read as follows

21 Every alternating current feeder circuit leading underground and operating at a potential exceeding the limits of medium voltage shall be provided above ground with an oil break switch on each pole such switch or switches to be equipped with an automatic overload trip and with inverse time overload protection in case of sustained moderate overload Each such circuit shall also be provided with a suitable ammeter

Transformer and Sub-Station Rooms

22 [Transformer rooms shall be of fire-proof construction] Any motor generator converter rotary converter or transformer installed in a mine after the passage of this amendment shall be enclosed in a fire-proof building of masonry or in an effectively grounded approved steel structure Such buildings shall be provided with automatically closing fire-doors but the automatic features of fire-doors may be omitted if a sub-station attendant be employed The openings of all such doors shall be so safeguarded by grillwork that the room may be entered only by authorized persons No electrical equipment containing inflammable material shall be placed within eight feet of a door or opening in any such underground building All such underground substations containing rotary machinery shall have an attendant constantly on duty while rotating machinery is in operation unless adequate control and protection of the equipment is assured by the use of approved automatic devices No transformer circuit breaker controller or other device or combination of devices containing more than twenty gallons of inflammable liquid shall be placed in any underground sub-station The sub-station shall be adequately ventilated No sub-station shall be built in any mine until the location material construction and method of ventilation thereof has received the approval of the Secretary of Mines

Section 25 That rules twenty-nine thirty-eight forty and fifty-one in section three of article eleven of said act are hereby amended to read as follows

Power and Light Circuits

29 All high pressure wires used inside of the mines shall be [in the form of insulated lead covered or armored conductors] subject to insulation tests and with carrying capacity according to the rules of the National Board of Fire Underwriters All high voltage circuits entering or installed in mines shall have each or all conductors of the same circuit surrounded with metal armor or metallic

conduit so designed and arranged as to permit the conductors to ground to their own sheath in case of damage resulting in a failure of their insulation

High voltage cables in slopes drifts or entries in which hauling conveying or traveling is done shall be constantly protected from falls of roof or other conditions that may damage the cables

Armored cables installed underground after the passage of this amendment that are not installed in fireproof-protecting conduits shall be buried in a trench having a depth of not less than twelve inches below any combustible material and where such cables pass under mine tracks they shall be buried in a trench not less than thirty-six inches below the mine tracks Adequate precautions shall be taken to provide for conducting stray currents from the armor of the cables so as to prevent electrolysis of the armer Cables shall not be bent to a radius less than the minimum specified by the cable manufacturer

No power wires or cables having what is commonly termed as weatherproof insulation or insulation consisting of braided covering which is susceptible to moisture absorption from the outer surface to the conductor shall be installed in any mine

Medium or low pressure conductors may be bare except in gaseous portions of mines no bare conductors shall be used in rooms or beyond the last cut-through in intake entries

Underground Trolley

38 [In underground roads the trolley wires shall in installed] After the passage of this amendment all trolley wires installed in underground roads shall be placed as far to one side of the passage-way as is practicable but not less than six inches outside of line of rail and securely supported upon hangers which shall not be more than twenty-four feet apart and efficiently insulated [and placed at such intervals that the sag between points of support shall not exceed three inches The sag between point of support can exceed three inches if the height of the trolley wire above the rail is five feet or more and does not touch the roof when the trolley passes under]

40 At all landings and partings or other places where men are required to regularly work or pass under trolley or other bare power wires which are placed less than six and one-half feet above top of rail a suitable protection shall be provided This protection [may] shall consist of [channeling the roof] placing boards along the wire [which shall extend below it or the use of other approved devices that afford protection] which boards shall not be more than five inches apart not less than two inches below the lowest point of the wire Provided That the distance between boards on curves may exceed five inches but shall not exceed eight inches This does not prohibit the use of other approved devices or methods furnishing equal or better protection

Power Wires and Cables in Shafts Slopes and Bare Holes

51 All power wires and cables in hoisting shafts or manway compartments shall be highly insulated and substantially fixed in position

Shaft and slope cables whose conductors or covering are not capable of sustaining their own weight shall be supported at intervals not to exceed twenty-five feet by suitable grips which cannot cause abrasion of the covering or insulation but shall so support the cable that no grip shall carry more than the weight of the cable between any two successive grips Where the cables are not completely boxed in and protected from falling material space shall be left between them and the side of the shaft that they may yield and so lessen a blow given by falling material

All power wires and cables installed after the passage of this amendment in wood lined shafts shall be protected over the entire distance traversed in the shafts by a conduit of satisfactory corrosion-resisting material In all shafts or slopes inclined twenty degrees or more to the horizontal all high voltage power cables shall be supported only by their armor which armor shall consist of satisfactory corrosion-resisting steel wires having a size of not less than No 8 B W G and the steel armor shall be attached at the top of the shaft or slope to a suitable cable-support which cable-support together with the armor shall be capable of supporting a load equal to ten times the weight of the cable also the cable shall be placed in that part of the shaft or slope where it will be least subject from falling materials or by moving cages skips counterweight ropes or parts thereof High voltage cables installed in metallic encased bore holes may be supported partially by the conductors of the cable and partially by their armors

Section 26 That rule sixty-eight in section five of article eleven of said act is hereby amended to read as follows

Underground Stationary Motors [in Non-Gaseous Mines] and the Housing of Electrical Equipment

68 Motors used for operating fans in [non-gaseous] all mines where they are so situated that they are not under constant supervision of a competent [man] person shall be [totally enclosed (not necessarily explosion-proof)] of an approved type unless placed in a chamber or passageway completely lined with incombustible material and the chamber or passageway itself free from combustible material

All electrical equipment except of an approved type and execpt room hoiss and track mounted pumps which are to remain in the same location for a period of one year or more shall be completely housed in an incombustible structure built of tile brick stone concrete or of steel plates not less than one-eighth inch in thickness securely joined

Section 27 That rule seventy-seven in section six of article eleven of said act is hereby amended to read as follows

Trolley System and Open Type Electric Machines

77 Electric haulage by locomotive operated from a trolley wire is not permissible in any gaseous (portions of mines except upon the intake air fresh from the outside] portion of a mine a gaseous portion of a mine as used herein being all the workings and roadways traversed by the locomotive and ventilated by the same continuous air current and in which explosive gas has been generated in sufficient quantity to be detected by an approved safety lamp within a period of two years except when the portion in which the locomotive operates is free of accumulated explosive gas and the highest methane content of the air-urrent in which the locomotive operates is not in excess of five tenths of one per cent and except where the air-current is so guided and directed that the opening or closing of a door will not interrupt or seriously diminish the air flow passing into and through the portion of the mine in which the locomotive operates

Moreover it shall be unlawful in any gaseous portion of a mine as defined in this rule to run or operate a locomotive fed directly or indirectly from a trolley wire by the open entrances to worked out places wherein the pillars have been drawn or places in which the pillars have not been drawn but in which places the roof has collapsed unless such places are constantly and thoroughly ventilated and examined as frequently for explosive gas as active working places are examined

Commencing one year after the passage of this amendment no open type electric locomotive or open type electric mechine of whatsoever name shall be taken into a working place or places in a gaseous portion of a mine as defined in this rule Provided however That the time may be extended with the written consent of the Secretary of Mines Main return airways or passageways shall not be used as haulageways for electric locomotives operated from a trolley wire in gaseous mines

Section 28 That rule ninety-seven in section eight of article eleven of said act is hereby amended to read as follows

Special System Equipment and Portable Shot-Firing Apparatus

97 The use of special electrical shot-firing systems

or equipment [not covered by the foregoing] and all portable shot-firing apparatus or devices including the foregoing shall receive before being used in any gaseous mine or portion thereof the approval of the Testing Station of the Federal Bureau of Mines and all such equipment shall carry theron evidence of such approval

Section 29 That rule one hundred one in section nine of article eleven of said act is hereby amended to read as follows

Telephones

101 It is [recommended] required that telephonic communication be established between the outside of the mine and the prinlipal points of operation underground as provided in section one of article eight

Section 30 That section two of article thirteen of said act is hereby amended to read as follows

Section 2 The ambulance shall be constructed upon good substantial easy springs It shall be covered and closed and shall have windows on the sides or ends and shall be provided with spring mattresses or other comfortable bedding to be placed on roller frames together with sufficient covering and protection for the convenient movement of the injured It shall be of sufficient size to convey at least two injured persons and two attendants at one time and shall beprofided with seats for the attendants The stretchers shall be constructed of such material and in such a manner as to insure ease and comfort in the carriage of the injured persons

[At all mines] There shall be provided at all mines stretchers waterproof and wollen blankets bandages splints and other medical supplies to render first aid and relief to employes who may be injured These supplies shall be kept in a suitable room The room shall be located near the entrance to or inside of the mine and shall be sufficiently lareg to accommodate the injured employes while they are receiving temporary medical attention and said room shall be used exclusively for this purpose and it shall be kept heated or constantly supplied with apparatus for the heating thereof

Section 31 That article fourteen of said act is hereby amended to read as follows

ARTICLE XIV

Wash-Houses

Section 1 When the clothing or wearing apparel of the employes in any mine becomes wet by reason of working in wet places therein it shall be the duty of the operator or superintendent of said mine at the request in writing of the inspector who shall make such request upon the petition of any ten employes working in the aforesaid wet places to provide a suitable building convenient to the principal entrance of such mine for the use of the persons employed in wet places therein for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom The said building shall be maintained in good order and be properly lighted and heated and shall be provided with hot and cold water and facilities for such persons to wash and the cost of providing and maintaining such conveniences facilities shall be defrayed by the owner or operator of said mine Any operator superintendent or inspector who shall neglect or fail to comply with the provisions of this article or any persons who shall maliciously injure or destroy or cause to be injured or destroyed the said building or any part thereof or any of the appliances or fittings used therein or do any act tending to the injury or destruction thereof shall be deemed guilty of a misdemeanor

Section 32 That article fifteen of said act is hereby reenacted and amended to read as follows

ARTICLE XV

Inside Stables

Section 1 It shall not be lawful after the passage of this act for the superintendent or mine foreman to provide a horse or a mule stable inside of any mine unless space for said stable is excavated in solid strata of rock slate or coal If excavated in the coal seam the wall shall be built of brick stone or concrete not less than twelve inches in thickness and said wall shall be built from the bottom slate to the roof Wood or other combustible material shall be used in the smallest practicable quantity in the construction of the inside of said stable The air current used for the ventilation of said stable shall not be intermixed with the air current used for ventilating any other portion of the mine but shall be conveyed directly to the return air current No open light shall be permitted in any stable in any mine

No haw or straw shall be taken into any mine unless pressed and made up into compact bales which shall be kept in a storehouse built apart from the stable and in the same manner as the stable Under no circumstances shall [the] hay or straw be stored in the stable or transported underground in open cars

Section 33 That the heading and sections one and two of article sixteen of said act are hereby amended to read as follows

Regulations for Powder [and] Detonators and Blasting Fuse

Section 1 No powder or high-explosive shall be stored in any mine and no more of either article shall be taken into any mine at one time by any one person than is required in one shift The quantity shall not exceed five pounds Provided That in a mine where shot-firers are employed the shot-firers shall have the right to take a sufficient quantity to complete their work

Black powder for use in mines shall be put up in five ten fifteen and twenty-five pound metallic cans or canisters or receptacles of equally safe material

No black powder high-explosives or detonators shall be hauled on any electric motor trip in any mine or carried by individuals through passageways in mines in which electricity is used or conducted unless the same are encased in non-conductive boxes or receptacles made of material approved by the Secretary of Mines The use of "Blasting fuse" for igniting or firing explosives in any mine is forbidden unless the use be ignited electrically

Section 2 [In such portions of dry and dusty mines wherein explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp] In dusty mines or parts thereof and in mines in which explosive gas is regularly or intermittently generated to the extent that it can be detected by an approved safety lamp no explosives shall be used except "permissible" explosives as designated by the Testing Station of the Federal Bureau of Mines Each charge shall consist of only one kind of explosive The Department of Mines shall forward to the operators upon application the names of all explosives on the permissible list

No "permissible" explosive shall be sold for use in bituminous mines unless the names of the manufacturer name of explosive method of handling and full instructions for use are conspicuously displayed on or in the package containing the explosive

Section 34 That sections one and two of article seventeen of said act are hereby amended to read as follows

Section 1 The oiling or greasing of cars inside of any mine is strictly prohibited unless the place where said oil or grease is used is thoroughly cleaned at least once every day to prevent the accumulation of waste oil or grease on the roads or in the drains at that point Not more than one barrel of each kind of lublisating oil or lubricant shall be [permitted] stored in any portion of a mine at one time and it shall be kept in a fireproof building cut out of solid rock or made of masonry or concrete of sufficient thickness to insure safety in case of fire

Section 2 No explosive oil shall be taken into or used in any mine for lighting purposes except when used in approved safety lamps and only sixty-eight degree to seventy degree naphtha of medium distillation range shall be used for this purpose and shall not be taken into or stored in any mine in quantities exceeding five gallons Said oil when stored in a mine shall be kept in a fireproof vault made of masonry or concrete

Section 25 That article twenty of said act is hereby amended to read as follows

ARTICLE XX

Discretionary Powers of Inspectors [Arbitration]

Section 1 The inspector shall exercise sound discretion in the performance of his duties under the provisions of this act and if the operator superintendent mine foreman or other person employed in or about any mine shall be dissatisfied with any decision the inspector has given in the discharge of his duties which decision shall be in writing it shall be the duty of the dissaatisfied person to appeal from said decision to the [Chief] Secretary of [the Department of] Mines who shall at once direct two or more other inspectors to accompany promptly the inspector of the district to make further examination into the matter in dispute If the said inspectors shall agree with the decision of the inspector of the district their decision shall be final and conclusive unless the dissatisfied person shall within seven days of the receipt of the decision of the committee of inspectors appeal therefrom to the court of quarter sessions of the county in which said mine is situated

Section 2 Whereupon the court or [the judges] a judge of said court in chambers shall dispose of the matter in dispute as provided for in sections one and two of article ten of this act as amended [forthwith appoint a commission of five persons as required by article ten of this act and thereafter the proceeding had shall be as prescribed by sections one and two of said article ten]

Section 36 That article twenty-three of said act is hereby amended to read as follows

ARTICLE XXIII

Annual Monthly and Other Reports

Section 1 On or before the twenty-fifth day of January in each year the operator or the superintendent of every mine shall send by registered mail to the inspector of the district a correct report specifying with respect to the year ending the thirty-first day of December preceding the name of the operator and offices of the mine number of tons of coal mined number of tons of coke manufactured number of different employes classified and the total number of days worked during the year The report shall be in such form and give such information regarding the mine as may be from time to time required and prescribed by the [Chief of Department] Secretary of Mines

On or before the third day of each month the superintendent shall send to the inspector of the district a report of the tonnage produced and days worked for the preceding month and also a report in detail of all lost time injuries in or about the mines for the preceding month

Whenever any employe who has been injured is reported able to resume work the superintendent shall report the same immediately to the inspector of the district

The operator or the superintendent who fails to comply with the provisions of this article shall be deemed guilty of a misdemeanor

Section 37 That special rules one five seven eleven and twelve of article twenty-five of said act are hereby amended to read as follows

Duties of Miner

Rule One The miner shall examine his working place before beginning work and take down all dangerous slate or otherwise make it safe by properly timbering it before commencing to mine or load coal He shall examine his place to see whether the fire boss has left the date marks indicating his examination thereof and if said marks cannot be found it shall be the duty of the miner to notify the mine foreman or the assistant mine foreman of the fact The miner shall at all times be careful to keep his working place in a safe condition during working hours

Should he at any time find his place becoming dangerous from gas or roof or from any unusual condition that may arise he shall at once cease working and inform the mine foreman or the assistant mine foreman of said danger but before leaving his place he shall put some plain warning across the entrance thereto to warn others against entering into danger

It shall be the duty of the miner to mine his coal properly before blasting and to set sprags [under the coal] while [undermining to secure it from falling] undercutting center-cutting or over-cutting After each blast he shall exercise care in examining the roof and coal and shall secure them safely before beginning to work

He shall order all [props] roof supports including wedges cap-pieces [and timbers] and lagging necessary at least one day in advance of needing them as provided for in the rules of the mine If he fails to receive said [timbers] material and finds his place unsafe he shall vacate it until the necessary [timbers] material [are] is supplied

Under no conditions shall the miner use coal dust or any other combustible material for tamping in any [gaseous] mine

When places are liable to generate sudden outbursts of explosive gas no miner shall be allowed to charge or fire shots excepts under the supervision and with the consent of the mine foreman or the assistant mine foreman or some other competent person designated by the mine foreman for that purpose

The miner shall remain during working hours in the working place assigned to him by the mine foreman or the assistan mine foreman and he shall not leave his working place for another working place without the permission of the mine foreman assistant mine foreman or fire boss and he shall not wander about the hauling roads or enter abandoned or idle workings

Duties of Motorman and Locomotive Engineer

Rule Five The motorman or locomotive engineer shall keep a sharp lookout ahead and sound the whistle or alarm bell frequently when coming near the parting switches or landings and shall not exceed the speed allowed by the mine foreman He shall see that the motors cables and controlling parts are kept clean and in a safe operating condition and that the headlight is burning properly when the locomotive is in motion He shall not allow any person except his [attendant] assistant to ride on the locomotive or on the full cars and it shall be unlawful for any motorman to operate a locomotive in gatehring service without an assistant except when written permission is given by the inspector of the district to do otherwise which written permission may be modified or withdrawn at the pleasure of the inspector Gathering service shall include all shuttling of mine cars before trains are consolidated on a main parting

Duties of Fan [Engineer] Attendant

Rule Seven The [engineer] attendant in charge of the ventilating fan at a mine shall keep it running at such sped as the mine foreman shall direct in writing He shall report promtlv to the mine foreman or assistant mine foreman and edfect in the pressure gauge and in case of accident to the boiler or fan machinery he shall immediately notify the mine foreman or the assistant mine foreman If only ordinary repairs of the fan or machinery become necessary he shall wait the instruction of the mine foreman or assistant mine foreman before stopping the fan Should it be impossible to run the fan or become necessary to stop it to prevent its destruction he shall notify at once the superintendent or mine foreman who shall give immediate warning to the persons in the mine

An attendant shall be constantly kept on duty at all principal ventilating fans while men are in the mine unless a visual signal indicating the revolutions of the fan as well as an audible signal announcing a stoppage of the fan si provided conditioned such signals are at points where they will be constantly under the observation and within the hearing of a reliable persons Provided however That the use of fan attendants shall not be discontinued until the inspector shall have approved the reliability of the equipment used in the signal system and its arrangements

Duties of Footman

Rule Eleven At every shaft or slope where persons are lowered into or hoisted from the mine a footman (who shall be over twenty-one years of age) shall be designated by the superintendent or mine foreman He shall be available from the time that persons begin to descend [until all the persons who may be at the bottom

of the shaft or slope when quitting work at the end of the day shall be hoisted] and so remain while persons engaged in mining or transporting coal are underground The footman shall personally attend to the signals and see that the provisions of this act in respect to hoisting persons in shafts or slopes are complied with

The footman shall not allow any tools to be placed on the same cage with persons or on either cage when they are being hoisted out of the mine except for the purpose of repairing the shaft or machinery therein The men shall place their tools in cars provided for that purpose which cars shall be hoisted before or after the men have been hoisted He shall see that no driver or other person ascends the shaft with any horse or mule [unless the said horse or mule is secured in a suitable box or safely penned and only the driver in charge of said horse or mule shall accompany it in any case] The footman shall immediately inform the mine foreman of any violation of this rule or of general rule fifteen

Duties of Topman

Rule Twelve At every shaft or slope where persons are lowered into or hoister from the mine a topman or trip rider (who shall be over twenty-one years of age) shall be designated by the superintedent or mine foreman He shall be available from the time that persons begin to descend [until all the persons who may be at the bottom of the shaft or slope when quitting work at the end of the day shall be hoisted] and so remain while persons engaged in mining or transporting coal are underground The topman or trip rider shall personally attend to the signals and see that the provisions of this act in respect to lowering persons in shafts or slopes are complied with

The topman shall not allow any tools to be placed on the same cage with persons or on either cage when persons are being lowered into the mine except for the purpose of repairing the shaft or the machinery therein The men shall place their tools in cars provided for that purpose which cars shall be lowered before or after the men have been lowered

He shall also see that no driver or other person descends the shaft with any horse or mule [unless the said horse or mule is secured in a suitable box or safely penned and only the driver in charge of said horse or mule shall accompany it in any case]

The topman of a slope or incline plane shall be careful to close the safety block or other device as soon as the cars have reached the landing in order to prevent any loose or runaway cars from descending the slope or incline plane and in no case shall said safety block or other device be withdrawn until the cars are coupled to the rope or chain and the proper signal given He shall carefully inspect each day all the machinery in and about the check house and the rope used for lowering the coal and shall promptly report to the superintendent any defect discovered and shall use care in attaching securely the cars to the rope and in lowering them down the incline He shall ring the alarm bell in case of accident and when necessary immediately set free to act the drop logs or safety switch

The topman of a shaft shall see that the springs or keeps for the cage to rest upon are kept in good working order and when taking the full car off he must be careful that no coal or other material is allowed to fall down the shaft

It shall be the duty of the topman to report to the superintendent any violation of general rule fifteen of this article

Section 38 That general rules two thirteen sixteen and seventeen of article twenty-five of said act are hereby amended to read as follows

Rule Two No person in a state of intoxication shall [be allowed to] go into or loiter about [the] a mine

Rule Thirteen No powder or high-explosive shall be taken into [the] a mine at one time by any one person in greater quantities than is required for use in one shift and the quantity shall never exceed five pounds except as provided for in article sixteen section one Provided That in electrical equipped mines powder and detonators shall be carried in non-conducting receptacles made of material approved by the Secretary of Mines [All powder shall be carried into the mine in metallic cans or canisters or in receptacles of equally safe material]

Rule Sixteen No approved safety lamp shall be entrusted to any person for use in a mine until said person has given satisfactory evidence to the mine foreman that he understands the proper use thereof and the danger of tampering with the same

Rule Seventeen No one except a person duly authorized by the mine foreman shall have in his possession a key or other instrument for the purpose of unlocking any approved lamp in any mine where [locked] approved lamps are used Other persons than those duly authorized by the mine foreman having keys or other instruments for the opening of approved lamps shall be prosecuted by the superintendent in accordance with section two of article twenty-six of this act

Section 39 That general rule eighteen of article twenty-five of said act as amended by the act approved the thirteenth day of May one thousand nine hundred fifteen (P. L. 310) is hereby further amended to read as follows

Rule Eighteen In the cutting of clay veins spars or faults in entries or other narrow workinsg going into the solid coal in mines wherein explosive gas is generated [In dangerous quantities] a bore hole [should] shall be kept not less than three feet in advance of the face of the work or three feet in advance of any shot hole drilled for a blast to be fired [in] therein but this provision does not apply to mines or portions of mines in which permissible electrical equipment and permissible explosives are used and shot-firers are employed and in which approved lamps are used exclusively

Section 40 That general rule twenty-four of article twenty-five of said act is hereby amended to read as follows

Rule Twenty-four No explosive shall be forcibly pressed into a hole that is of insufficient size and when a hole has been charged the explosives shall not be taken out except by a stream of water having sufficient force to wash out of the hole both the stemming and the charge and no hole shall be fored for blasting at a distance of less than twelve inches from any hole when the charge has misfired

Section 41 That general rule twenty-five of article twenty-five of said act as amended by the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (P. L. 880) is hereby further amended to read as follows

Rule Twenty-five In all [gaseous and in all dry and dusty] mines shotfirers or other persons charging holes for blasting shall use incombustible material for tamping All holes in any mine before being fired shall be solidly tamped the full length of the hole Provided however That with the consent of the mine inspector "cushion" or "air" blasting shall be permitted Any person who violates this rule shall be deemed guilty of a misdemeanor

Section 42 That general rule thirty-two of article twenty-five of said act as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 656) is hereby further amended to read as follows

Rule Thirty-two No person shall carry any matches pipes or other smokers' articles into a gaseous mine or portion of a gaseous mine worked exclusively with [locked flame] approved safety lamps or approved electric [cap] lamps or both nor shall [he] any person have any of said articles in his possession while in such a mine Provided however That it shall not be assumed or be inferred that a coal mine is gaseous because of the partial or exclusive use of electric cap lamps

Section 43 That general rule thirty-lve of article twenty-five of said act is hereby amended to read as follows

Rule Thirty-five Every person who contravenes or does not comply with any of the special and general rules in this act as herei amended shall be deemed guilty of a misdemeanor

Section 44 That article twenty-five of said act is here-

by amended by adding thereto after general rule thirty-five five new general rules to read as follows

Rule Thirty-six All conveyor entries shall be provided with a minimum width and height of not less than four feet for travel but in conveyor entries in which track is installed the minimum amount of clearance shall not be less than two and one-half feet which clearance space shall be continuous throughout the entry All such travel space and clearance space shall be kept free of all forms of obstruction under foot and free from electric wires and electric cables A space of not less than four feet in width shall be provided for travel from the immediate entrance of each working place to the face thereof which space shall be kept free of all forms of obstruction under fot and free from electric wires and electric cables

Rule Thirty-seven At all points where men must of necessity cross conveyors the conveyor at the point where the crossing is made shall be so arranged that men can cross safely and conveniently without coming in contact with the conveyor

Rule Thirty-eight All conveyors in working places shall be brought to rest while mine officials are making examinations and so remain until the examination is completed

Rule thirty-nine All electric motors and cables in dry areas and in gaseous areas in conveyor sections shall have all coal dust removed from their exterior surfaces once each operating shift and all electric equipment in areas of the above characters shall b thoroughly examined by a competent person once each calendar day such equipment is used and a written report of the condition of such equipment shall be made by the person making the examination which report shall also give an identication number of the piece of equipment so examined Said report shall be kept in a book furnished by the operator or superintendent and shall be preserved for a period of one year

Rule Forty All electric wires or electric cables in completed portions of conveyor entries shall be carried on insulators and all electric cables constantly kept in rooms or pillars or other working places shall be carried on suitable supports to within seventy feet of the face of each working place

Section 45 That article twenty-six of said act is hereby amended to read as follows

ARTICLE XXVI

Penalties for Violations of This Act

Section 1 Any person who shall intentionally or carelessly injure any [safety] approved lamp instrument air course or brattice or without proper authority handle remove or render useless any fencings means of signaling apparatus instrument or machinery or shall obstruct or throw open airways or enter a place in or about the mine against caution or carry fire open lights matches pipes and other smokers' articles beyond any station inside of which [locked safety] approved lamps are [used] required by this act or open a door in the mine and not close it immediately or open any door the opening of which is forbidden or disobey any order given in carrying out the provisions of this act or do any other act whatsoever whereby the lives or the health of the persons employed or the security of the mine or the machinery are endangered shall be deemed guilty of a misdemeanor and shall be punished as provided in section two of this article

Section 2 Any person who neglects or refuses to perform the duties required of him by this act or who makes any false statement in any report required by this act or who is responsible for failure to comply with any decision made in accordance with this act or who violates any of the provisions or requirements thereof shall be deemed guilty of a misdemeanor and shall upon conviction thereof in the court of quarter sessions of the county in which the misdemeanor was committed be punished by a fine not exceeding two hundred dollars or imprisonment in the county pail for a period not exceeding three months or both at the discretion of the court Any violation of this act which has been declared to be a misdemeanor by any part thereof shall be punished in like manner

Section 46 That sections one and two of article twenty-eight of said act are hereby amended to read as follows

Section 1 Should a mine or a portion of a mine that has at any time generated explosive gas in quantities sufficient to be detected by an approved safety lamp after the passage of this act not so generate explosive gas or portion of a mine shall not be governed or controlled by the provisions of this act for mines or portions of mines generating explosive gas

Section 2 The provisions of this act as to mines or portions of a mine generating explosive gas in quantities sufficient to be detected by an approved safety lamp shall [not] apply to any mine or portion of a mine wherein explosive gas is [being] so generated [only in live entries]

Section 47 The act approved the fifteenth day of June one thousand nine hundred and eleven (P. L. 979) entitles "An act to safeguard life in the coal-mines of the Commonwealth of Pennsylvania and to protect and preserve the property connected therewith by providing that all inside buildings shall be constructed of incombustible material and providing penalties for failure to comply with the terms of this act and making a violation thereof by mine superintendents a misdemeanor" is hereby repealed in so far as it relates to stables in bituminous coal mines

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 432, as follows:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Susquehanna River between a point on State Street in the City of Harrisburg to a point in Cumberland County and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages providing for the collection of tolls on such bridges and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asesmbly met and it is hereby enacted by the authority of the same That the Department of Highways is hereby authorized and directed to erect and construct a bridge over the Susquehanna River at a convenient point in the City fo Harrisburg at the western end of State Street in Dauphin County to a point on the opposite side of said river in the County of Cumberland to connect the State highways on both sides of said river and to acquire the necessary land for approaches thereto

In the construsction of said bridge and the approaches thereto and connections with existing State highways the Department of Highways shall have all of the powers and authority conferred with respect to the relocation widening or construction of State highways Any damages sustained by reason of taking property in the relocation widening or construction of any such bridge the approaches thereto and connections with State highways shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating widening or constructing State highways and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways

Section 2 The Department of Highways is hereby authorized to accept grants of funds from any Federal agency for the construction of such bridge and the approaches thereto and connections with State highways Any such moneys shall be held by the State Treasurer as custodian for the Department of Highways and the same shall be paid out on requisition of the department without further appropriation

Section 3 If such bridge is to be constructed under

contract and to be paid for wholly or in part from Federal funds and the project involves additional work to be contracted and paid for by a county or counties the advertisement by the Department of Highways shall be the only advertising necessary any other acts or requirements to the contrary notwithstanding

Section 4 The Department of Highways shall have authority to make and carry out contracts and to do every other act necessary to carry out the project herein authorized and is authorized to conform to the requirements and rules and regulations of the proper Federal authorities with respect to such projects if Federal moneys are advanced for such project Nothing herein contained shall in anywise diminish any authority or powers now or hereafter conferred on the Department of Highways by any other acts of Assembly

Section 5 The Department of Highways shall after the completion of such bridge provide for the collection of tolls on such bridge until such tolls have been sufficient to reimburse in full the Commonwealth the Federal Government or any Federal agency which advanced moneys and any moneys paid by counties Such tolls shall also be sufficient to pay the compensation of toll collectors employed on such bridge and provide for the maintenance thereof until freed of tolls when all moneys advanced by the Commonwealth and the Federal Government have been fully repaid

Section 6 The sum of four million dollars ($4,000,000) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund in the State Treasury to the Department of Highways for the construction of such bridge the approaches thereto the connections with State highways and for the payment of damages for property taken injured or destroyed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 432, the bill just read, be recommitted to the Committee on Appropriations.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 477, as follows:

An Act to repeal the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 992) entitled "An act prohibiting cities boroughs towns and townships to increase or diminish the salary compensation or emoluments of elected officers after their election"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 992) entitled "An act prohibiting cities boroughs towns and townships to increase or diminish the salary compensation or emoluments of elected officers after their election" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 514, as follows:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety thousand dollars ($90,000) is hereby specifically appropriated to the Pennsylvania Museum and School of Industrial Art for the two fiscal years beginning June first one thousand nine hundred and twenty-seven for manitenance and the purchase of apparatus supplies and equipment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 545, as follows:

An Act to amend subsection seven of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred nad eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended changing the minimum salaries and providing for increments of teachers in school districts of the fourth class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection seven of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisoins by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section one of the act approved the twenty-third day of May one thousand nine hundred and twenty-three (Pamphlet Laws 328) is hereby further amended to read as follows

Seven Districts of the fourth class Elementary teachers minimum [monthly salary one hundred dollars ($100) high school teachers minimum monthly salary one hundred thirty dollars ($130)] annual salary one thousand dollars ($1000) minimum annual increment fifty dollars ($50) minimum number of increments four (4) high school teachers minimum annual salary one thousand one hundred seventy dollars ($1,170) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) No increments required hereby need be paid during the school year one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight

Section 2 This act shall become effective upon the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUTH. Mr. President, I move that Senate Bill No. 545, the bill just read, be recommitted to the Committee on Education for the purpose of amendment.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 561, as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the support of the School of Animal Pathology of the University and the purchase of such apparatus and equipment as the trustees may deem necessary for the efficient operation of the School

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 602, as follows:

An Act to amend section six and sections eleven and eighteen as amended of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 762) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers to be misdemeanors and providing penalties for the violation thereof" further regulating the administration of such Fund the fixing of premiums payable by subscribers the distribution of unexpended balances to subscribers the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws 762) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" is hereby amended to read as follows

Section 6 The said Board shall determine the amount of premiums which the subscribers to the Fund shall pay and shall fix the premiums for insurance in accordance with the nature of their business and of the various employments of their employes and the probable risk of injury to their employes therein And they shall fix the premiums at such an amount as shall be adequate to enable them to pay all sums which may become due and payable to the employes of such subscribers under the provisions of article three of the Workmen's Compensation Act of 1915 and to create and maintain the surplus provided in section nine of this act and to provide an adequate reserve sufficient to carry all policies and claims to maturity The State Workmen's Insurance Board may in its discretion become a member in any rating bureau approved by the Insurance Commissioner If said board becomes a member of an approved rating bureau the board in the administration of the State Workmen's Insurance Fund shall not be bound by the rates promulgated by said bureau In fixing the premiums payable by any subscriber the Board may take into account the rates promulgated by any approved rating bureau in which the board may have become a member thereof and said Board may also take into account the condition of the plant work-room shop farm mine quarry operation and all other property or premises of such subscriber in respect to the safety of those employed therein as shown by the report of any inspector appointed by the Board or by the Department of Labor and Industry and they may from time to time change the amount of premiums payable by any of the subscribers as circumstances may require and the condition of the plant work-room shop farm mine quarry operation or other property or premises of such subscribers in respect to the safety of their employes may justify and they may increase the premiums of such subscribers neglecting to provide safety devices required by law or disobeying the rules and regulations made by the Board in accordance with the provisions of section fifteen of this act The insurance of any subscriber shall not be effective until he shall have paid in full the premium so fixed and determined

Section 2 That section eleven of said act as amended by section one of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1490) is hereby further amended to read as follows

Section 11 The money paid in premiums by subschibers is hereby made available for the expenses of administering the fund including the purchase through the Department of Property and Supplies of surety bonds for such officers or employes of the board as may be required to furnish them supplies materials motor vehicles workmen's compensation insurance covering the officers and employes of the board and liability insurance covering vehicles purchased out of moneys of said fund and operated by the officers and employes of the board In the event that the use of motor vehicles is required only temporarily then such moneys in the fund are available for the payment to the Department of Property and Supplies for the use of such motor vehicles on a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine

The moneys in the fund shall also be available for payment to the Insurance Department of the cost incurred by that department in examining and auditing the State Workmen's Insurance Fund at such amounts as the Insurance Department shall determine for payment to the Treasury Department of the cost of making disbursements out of the State Workmen's Insurance Fund on behalf of the State Workmen's Insurance Board at such amounts as the Treasury Department with the approval of the Executive Board shall determine for payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the State Workmen's Insurance Board at such amounts as the Department of property and Supplies with the approval of the Executive Board shall dtermine

The board shall keep an accurate account of the money paid in premiums by the subscriber and the disbursements on accounts of injuries to the employes thereof and on account of administering the fund and if at the expiration of any year there shall be a balance remaining after deducting such disbursements the unearned premiums or undetermined risks and the percentage of premiums paid or payable to create or maintain the surplus provided in section nine of this act and after setting aside an adequate reserve so much of the balance as the Board may

determine to be safely distributable shall be distributed among the subscribers in proportion to the premiums paid by them Provided however That no portion of said balance shall be paid to the minimum premium subscribers or to any subscriber unless the final earned premium as billed for the policy year shall be paid within sixty days of the date of said billing or rendering of statement thereof or to any subscriber on whose policy the total of the acqusition costs the administrative costs and the loss expenditures exceed the earned premium and the proportionate share of such subscribers as shall be entitled to distribution thereof and as shall remain subscribers to the Fund shall be credited to the installment of premiums next due by them and the proportionate share of such subscribers as shall be entitled to distribution thereof and shall have ceased to be subscribers in the Fund shall be refunded to them out of the Fund in the manner hereinafter provided

Section 3 That section eighteen of said act as amended by section three of the act approved the tenth day of June one thousand nine hundred ad thirty-one (Pamphlet Laws 481) is hereby further amended to read as follows

Section 18 Each subscriber to said fund shall within one month after his subscription has terminated furnish a written statement to the said board setting forth the maximum average and minimum number of employes insured in the fund that such subscriber had employed during the preceding year and the actual amount of the money payroll of such employes for such year and setting forth when the board has subdivided the employments in any group into classes as provided in section ten of this act the number and actual amounts of the money payroll of such employes of each of such classes and thereupon within thirty days the said board shall state the account of such subscriber for such year based on the facts thus proven and shall render a copy of such statement to the subscriber and if the amount of the premium theretofore paid by such subscriber shall exceed the amount due according to such state account then the excess shall be forthwith refunded to the subscriber by payment out of the fund in the manner hereinafter provided and if the amount shown by said statement exceeds the amount of the premimum theretofore paid by such subscriber the excess shall be forthwith due and payable by the subscriber into the fund and until paid shall be a lien as State taxes are a lien upon the real and personal property of the subscriber and if unpaid shall be collectible as State taxes per annum commencing thirty days after service of the copy of said account which service shall be by registered mail

The State Workmen's Insurance Board may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of said accounts upon which record it shall be lawful for writs of scire facias to issue and to be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

It shall be the duty of the State Workmen's Insurance Board upon demand to furnish to any person applying therefor upon the payment of the fee of fifty cents for the use of the State Workmen's Insurance Fund a certificate showing the character and amount of all liens that may be of record in the fund against any corporation association person or persons carrying Workmen's Compensation Insurance with the State Workmen's Insurance Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 602, the bill just read,

An Act to amend section six and sections eleven and eighteen as amended of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred sixty-two) entitled "An Act providing for the creation and administration of a State Fund of the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanor and providing penalties for the violation thereof" further regulating the administration of such Fund the fixing of premiums payable by subscribers the distribution of unexpended balances to subscribers the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor

be recommitted to the Committee on Insurance.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 629, as follows:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three Pamphlet Laws two hundred eighty-nine) entitled "An Act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescibing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain state departments commissions and officers authorizing certain local public officers and state departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations' further regulating the incorporation of nonprofit corporations regulating and extending and restricting in certain cases the rights responsibilities authority and powers of such corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof further providing for and regulating the merger or consolidation and the dissolution of such corporations and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred six two hundred eleven three hundred two three hundred four section three hundred six as amended sections three hundred seven three hundred twelve three hundred thirten four hundred one section five hundred one as amended sections five hundred four six hundred two six hundred six seven hundred two eight hundred one eight hundred nine nine hundred five nine hundred twelve nine hundred thirteen nine hundred fourteen one thousand one one thousand two one thousand four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two thousand eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothono-

taries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the acts approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred thirty) and the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred thirty-seven) are hereby further amended to read as follows

Section 206 Advertisement The incorporators shall advertise their intention to apply to the court for a charter one time in two newspapers published in the English language [one of which shall be a newspaper of general circulation and the other the legal newspaper if any designated by the rules of court for the publication of legal notices otherwise in two newspapers of general circulation printed in the county in which the initial registered office of the corporation is to be located Where there is but one newspaper of general circulation published in any county advertisement in such newspaper shall be sufficient] in the county in which the initial registered office of the corporation is to be located one of which shall be a newspaper of general circulation and the other the legal newspaper if any designated by the rules of court for the publication of legal notices of if there is no such legal newspaper in two newspapers of general circulation published in the said county or if there is but one such newspaper in that newspaper Advertisements shall appear at least three days prior to the day fixed for the presentation of the application to the court and shall set forth briefly

(1) The name of the proposed corporation

(2) A statement that the proposed corporation is to be organized under the provisions of this act

(3) The purpose or purposes of the proposed corporation

(4) A statement that the articles of incorporation have been filed in the office of the prothonotary and the time when the application will be made to the court

Section 211 Special Procedure for Incorporation of Educational Institutions Desiring to Confer Degrees A In the case of the incorporation of a college university or theological seminary as a nonprofit corporation with power to confer degrees in art pure and applied science philosophy literature law medicine [and] theology or any other academic degrees or any of them the articles of incoropration shall in addition to the information heretofore required by this article and in conformity with the requirements and limitations contained in the following article set forth

(1) The amount of assets in the possession of the incorporators which are to be devoted to the purpose of establishing and conducting the college university or theological seminary

(2) The minimum number of persons whom it is intended to employ regularly as members of the faculty of the corporation

(3) A brief statement of the requirements for admission to and of the course or courses of study to be pursued in the institution (4) The information hereinafter required by this article in the case of corporations formed to carry out the directions or purposes of a trust instrument if the corporation is being formed under such circumstances

B When the articles and ther papers are presented to the court for approval the court shall examine them If they are found to be in proper form and in conformity with the provisions of this act and shall appear lawful and not injurious to the community the court shall so certify thereon The court shall then direct the prothonotary or clerk of the court to transmit to the Superintendent of Public Instruction the articles The Superintendent of Public Instruction shall within sixty days after the receipt of the articles cause the State Council of Education to be convened at such time and place as he may designate Thereupon the council shall consider the articles and shall make such investigations and hold such hearings as it may deem necessary in the premises If the courses of instruction the standards of admission to the institution and the composition of the faculty shall appear to be sufficient and to conform to the requirements hereinafter prescribed in this act for such institutions and if the educational needs of the particular locality in which the institution is to be situated and of the Commonwealth at large are likely to be furthered by the granting of the charter the council shall endorse upon the articles its findings and its approval of the same together with a recommendation to the court before which the articles were originally presented that the application for a charter be granted If in the judgment of the council the application for a charter should not be granted the council shall endorse upon the articles its findings and its disapproval together with a recommendation to the court that the application be refused Thereupon the Superintendent of Public Instruction shall return the articles to the court which in passing finally upon the application shall be guided in its decree by the findings of the council If the court after giving consideration to the approval of the council shall be satisfied with the propriety of the application for a charter in view of all the facts it shall approve the application but if the council has disapproved the application the court shall refuse to approve the application The court in no case shall have power to grant a charter to a college university or theological seminary with power to confer degrees until the application has been approved by the State Council of Education

Section 302 General Powers Subject to the limitations and restrictions contained in this act or in its articles every nonprofit corporation shall have power

(1) To continue as a corporation for the time specified in its articles subject to the power of the General Assembly under the Constitution of this Commonwealth

(2) To sue and be sued complain and defend in its corporate name

(3) To have a corporate seal which may be altered at pleasure and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced

(4) To purchase take receive lease as lessee take by gift devise or bequest or otherwise acquire and to own hold use and otherwise deal with any real or personal property or any interest therein situated in or out of this Commonwealth which may be appropriate to enable it to accomplish fully and properly its corporate purpose or purposes

(5) To sell and convey lease as lessor and otherwise dispose of all or any part of its property and assets

(6) To borrow money for any or all of the purposes for which it is organized to issue its promissory notes bonds or other forms of certificates of indebtedness for the repayment thereof with interest and to secure any of its obligations by mortgage pledge or deed of trust or of on any of its property franchises and income

(7) To elect or appoint and remove officers and agents of the corporation and to define their duties and fix their compensation

(8) To [make alter amend and repeal by-laws] make by-laws which are not and so to alter and amend any of them that they shall not be [not] inconsistent with its articles or with law for the administration and regulation of its affairs and to repeal any by-laws

(9) To enter into any obligations necessary for the transaction of its ordinary affairs

(10) To purchase take by gift devise or bequest or otherwise acquire and to hold shares of stock or bonds securities or evidences of indebtedness issued or created by any other corporation or corporations of this or any other state and while the owner thereof to exercise all the rights powers and privileges of ownership including the right to vote thereon Provided however That such ownership of such shares securities or evidences of indebtedness does not result in pecuniary profit or gain to the members of the nonprofit corporation

(11) To have and exercise all of the powers and means necessary or essential to effect the purpose of purposes for which the corporation is organized

(12) To dissolve and wind up

The powers herein enumerated shall not be construed as limiting or enlarging the grant of authority hereinbefore made by this article or as a limitation on the purposes for which a corporation may be organized It shall not be necessary to set forth any of such enumerated powers in the articles of the corporation Except as otherwise provided in this act or in the articles or in the by-laws the powers herein enumerated shall be exercised by the board of directors

Section 304 Membership Certificates and Capital Stock A non-profit corporation may be organized upon either a non-stock basis or upon a stock share basis as set forth in its articles A non-profit corporation organized upon a non-stock basis shall not issue shares of stock but membership in such corporation may be evidenced by certificates of membership Upon the face of each such certificate there shall be printed in clear type a statement that the corporation is a non-profit corporation The shares of non-profit corporations organized upon a stock share plan shall be of such denominations not exceeding one hundred dollars ($100.00) as the articles shall provide and shall be representated by share certicates Upon the face of each share certificate there shall be printed in clear type a statement that the corporation as a non-profit corporation Unless the articles or by-laws otherwise provide each share shall entitle the holder thereof to one vote No dividends shall be directly or indirectly paid on any such shares nor shall the shareholders be entitled to any portion of the earnings of such corporation derived through increment of value upon its property or otherwise incidentally made but upon dissolution of any such corporation the shareholders shall be entitled to a pro rata distribution of the assets thereof after the payment of all debts and the liquidation of all liabilities based upon their several holdings therein as represented by the share standing in the names of such shareholders at the time of dissolution except that no property held subject to any trust shall be diverted from purpose or object of the trust Such shares shall not be transferable by assignment or sale nor be transferred through legal heirs or devisees upon the death of the owner thereof unless the by-laws of such corporation make express provision therefor Such non-profit corporation shall have power to exclude from further membership any shareholder who fails to comply with the reasonable and lawful requirements of the laws rules and regulations duly made by such corporation for the government of its members and may cancel the shares of any such offending member without liability for an accounting excepting as may be provided for in the articles or by-laws The provisions of the Uniform Stock Transfer Act of this Commonwealth approved the fifth day of May one thousand nine hundred eleven (Pamphlet Laws one hundred twenty-six) shall not be held to apply to the shares of non-profit corporations in any manner or to be to any extent inconsistent with the provisions of this act

Section 306 Authority to Take and Hold Trust Property Investments Subject to any limitations or restrictions contained in its articles every non-profit corporation formed for religious educational scientific or charitable purposes may without limitations as to value take receive and hold such real and personal property including the principal or interest of any money or other fund as may be given granted conveyed bequeathed devised to or otherwise vested in such corporation in trust for the purpose or purposes set forth in its articles Such real and personal property shall be faithfully and specifically used for or applied to the purpose or purposes for which it was given in trust to the corporation The directors of the corporation shall as trustees of such property be held to the same degree of responsibility and accountability as if not incorporated unless a less degree or a particular degree of responsibility and accountability is prescribed in the trust instrument or unless the directors remain under the control of the members of the corporation or third persons who retain the right to direct and do direct the actions of the directors as to the use of the trust property from time to time Unless otherwise specifically directed in the trust instrument by which any real or personal property money or other funds are given granted conveyed bequeathed devised to or otherwise vested in corporations formed for religious educational scientific or other charitable purposes the directors thereof shall have power to invest the funds thus received or the proceeds of any property thus received in such investments as in the honest exercise of their judgement they may after investigation determine to be safe and proper investments and to retain any investments heretofore so made The directors of the corporation shall keep accurate accounts of all trust funds separate and apart from the other funds of the corporation and shall unless the terms of the particular trust instrument provide otherwise make an annual report signed by the treasurer to the members of the corporation concerning the trust funds held under this section and the use made of such funds and of the income thereof

Section 307 Authority to Acquire Property at [a] Tax or Judicial Sale A non-profit corporation may at any tax or judicial sale of any property upon which the corporation holds a mortgage or has a lien of any nature whatsoever bid in such property if necessary for the protection of its interests The corporation shall acquire a good and indefeasible title to any and all property so purchased irrespective of any limitation as to the acquisition of property that may exist in its articles or in this act All property so purchased may be held by the corporation until such time as it shall believe it advisable to dispose of the same except that such property shall be sold within twenty years from the time it was purchased at the tax or judicial sale It shall be lawful for the corporation to sell the property upon such terms and for such consideration as it deems desirable The corporation may sell such property and convey a marketable title therto without the authorization or confirmation of any court

Section 312 Requirements of Educational Institutions Desiring to Confer Degrees A No college university or theological seminary shall be incorporated under this act with power to confer degrees in art pure and applied science philosophy literature law medicine [and] theology or any other academic degrees or any of them unless it has

(1) A minimum protective endowment of at least five hundred thousand dollars ($500,000) beyond all indebtedness and assets invested in buildings and apparatus for the exclusive purpose of promoting instruction except that in the case of tax-supported institutions or those maintained by religious or other organizations financial support or contributed services equivalent in value to the endowment herein specified may be substituted for such endowment

(2) A faculty consisting of at least eight regular professors who devote all their time to the instruction of its college or university classes unless the college is devoted to a specific subject in art archaeology literature or science (medical and law schools excepted) in which case the faculty shall consist of at least three regular professors who devote all their time to the instruction in the special branch for which the college is established and two or more instructors or fellows in the particular branch who shall be provided to assist in the instruction to be given the students for the promotion of original investigation and in the development and growth of the special branch of science to which such college may be devoted

B A college university or theological seminary incorporated under this act with the power to confer degrees shall have power to confer baccalaureate degrees in art science philosophy or literature only upon students who have completed a college or university course covering four years The standard of admission to these four-year courses or to advanced classes in these courses shall be not less than four years of academic or high school preparation or its equivalent and shall be subject to the approval of the State Council of Education

C Any educational corporation formed under this act with the power to confer degrees as aforesaid shall be subject to visitation and inspection by representatives of the State Council of Education If any such corporation shall fail to keep up the standards required by this act the court shall upon the recommendation of the State

Council of Education revoke the power to confer degrees

Section 313 Vesting of Corporate Property in Trustees to Escape Liability for debts Any corporation for religious educational or charitable uses owning any property dedicated to religious educational or charitable purposes such as churches schoolhouses parsonages hospitals almshouses and the like may for the purpose of protecting such property from liability to debt thereafter contracted on the part of the corporation vest its property in trustees upon trust for the use of the congregation or members of the corporation for the time being as places of worship or for the use as schoolhouses or residences for ministers or pastors or for [the maintenance] use in the actual administration of any charity When the trustees shall be so vested by deeds duly recorded the property so conveyed as long as it is used for the purposes above mentioned and is not used [for any secular purpose or] for a purpose from which profits are derived other than incidental profits used for or applied to the lawful purposes of the corporation shall not be liable to any debts contracts or engagements of the corporation thereafter made or entered into but shall be deemed and taken to be freed therefrom in the same manner and with like effect as if the same had been conveyed or devised to the trustees by a stranger in trust for the uses of the corporation but so that the same shall not be liable for their debts contracts or engagements or to their control for any purposes other than for the uses of the same as places of worship or as free schools or schools from which no pecuniary profits are derived or as residences for ministers or pastors or for [the maintenance] use in the actual administration of the charitable purpose for which it was dedicated or intended by the donors or contributors All trustees and officers of corporations having the management of property for charitable uses which is held in trust as aforesaid contracting debts or causing them to be contracted in the improvement of the property by building thereon shall be personally liable for the debts thus contracted unless they shall have notified the persons with whom the contract is made that the property is not liable for the debts contracted in building thereof but there shall be no liability to anyone other than persons with whom such contracts are made by the corporation

Section 401 Power to Make By-Law [Except as hereinafter provided the] The members of a nonprofit corporation shall have the power to make alter amend and repeal the by-laws of a nonprofit corporation [. The] but the authority to make alter amend and repeal by-laws may be expressly vested by the articles or the by-laws in the board of directors subject always to the power of the members to change [or repeal the by-laws] such action Unless the articles or by-laws otherwise provide the [by-laws shall be adopted altered amended and repealed] powers hereby conferred shall be exercised by a majority vote of the members of the board of directors or of the members of the corporation entitled to vote thereon as the case may be at any regular or special meeting duly convened after notice to the members or directors of that purpose The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles and may provide penalties for the breach thereof not exceeding twenty dollars

Section 501 Board of Directors The business and affairs of every nonprofit corporation shall be managed by a board of at least three directors who shall be natural persons in full age and who need not be residents of this Commonwealth or members in the corporation unless the articles or by-laws so require [A] Each director shall hold office for the term for which he was named or elected and until his successor is elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as hereinafter provided in the case of vacancies directors other than those constituting the first board shall be elected by the members unless some other method is expressly provided in the articles A nonprofit corporation may allow compensation to its directors for their services and a director may also be a salaried officer of the corporation

Section 504 Officers and Agents Every nonprofit corporation shall have a president a secretary and a treasurer and may have such other officers and assistant officers and agents [as the needs of the corporation may require] as it shall authorize from time to time The articles or by-laws may prescribe special qualifications for such officers The President and Secretary shall be natural persons of full age the Treasurer however may be a corporation but if a natural person shall be of full age The officers and assistant officers and agents shall be elected or appointed either by the board of directors or by the members at such time in such manner and for such terms and compensation as the by-laws may prescribe It shall not be necessary for the officers to be directors If the by-laws so provide any two or more offices may be held by the same person except the offices of president and secretary The board of directors may secure the fidelity of any or all of such officers by bond or otherwise Unless otherwise provided in the by-laws the board of directors shall have power to fill any vacancies in any office occurring from whatever reason All officers and agents of the corporation as between themselves and the corporation shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the by-laws or in the absence of controlling provisions in the by-laws as may be determined by resolution of the board of directors In case of the absence illness incapacity or unwillingness to act of any officer the directors may appoint a temporary substitute to exercise the functions of his office during the continuance of such absence illness incapacity or unwillingness or may delegate such functions to another officer of the corporation during such period

Section 602 Membership Fees Assessments Nonprofit corporations may levy dues or assessments or both upon their members if authority to do so is conferred either by the articles or the by-laws and subject to any limitations therein contained Such dues or assessments or both may be imposed upon all classes of members alike or in different amounts or proportions or upon a different basis upon different classes of members Members of one or more classes may be made exempt from either dues or assessments or both in the manner or to the extent provided either in the articles or by-laws The amount of the levy and method of collection of such dues or assessments or both may be fixed in the articles or by-laws or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time and make them payable at such time and by such methods of collection as the directors may prescribe Such corporations may make by-laws necessary to enforce the collection of such dues or assessments including provisions for the cancellation of memberships upon reasonable notice for non-payment of such dues or assessments and for reinstatement in such corporation [upon reasonable notice]

Section 606 Members' Voting Rights A Unless otherwise provided in the articles or by-laws every member of a nonprofit corporation shall be entitled to one vote Voting by members shall be only in person unless the by-laws specifically provide for voting by proxy The manner of voting may be by ballot mail or any reasonable means provided in the articles or by-laws In all elections for directors or other officers each member having a right to vote may cast the whole number of his votes for one candidate or distribute them upon two or more candidates as he may prefer no member shall sell his vote or issue a proxy for money or anything of value Upon request of a member the books or records of membership shall be produced at any general or special meeting of the corporation If at any meeting the right of a person to vote is challenged the presiding officer shall require such books or records to be produced as evidence of the right of the person challenged to vote and all persons who appear by such books or records to be members may vote

B Irrespective of restrictions in the articles or by-laws every member of a nonprofit corporation shall be entitled to vote upon proposals to merge consolidate divide dissolve or to change the purposes or the location of the registered office of the corporation or so to amend its articles as to make any change in the rights of such member

Section 702 Approval of Amendments by Members Before the application is made to the court a resolution authorizing the proposed amendments shall be adopted by the affirmative vote of at least a majority of the members entitled to vote thereon at a regular or special meeting duly convened after at least ten days' written notice to all the members of this purpose If a proposed amendment would make any change in the rights of the members of any class then the members of such class shall be entitled to vote as a class upon such amendment whether by the terms of the article such class is or is not entitled to vote and in addition to the general vote herein required the affirmative vote of at least a majority of the members of each class so affected by the amendment shall be necessary for the adoption thereof Any amendments which might be adopted at a meeting of the members may be adopted without a meeting if written consent to the amendment has been given by all members entitled to vote thereon The resolution shall contain the language of the proposed amendment to the articles by providing that the articles shall be amended so as to read as therein set forth in full or that any provision thereof be amended so as to read as therein set forth in full or that the matter stated in the resolution be added to or stricken from the articles

Section 801 Merger or Consolidation Authorized A Two or more domestic non-profit corporations [formed for kindred purposes] may upon application to the court in the manner hereinafter provided either be merged into one of such corporations hereinafter designated as the surviving corporation or be consolidated into a new non-profit corporation Such application shall be made to the Court of Common Pleas of the county on which the registered office of the surviving or new corporation is to be located

Section 809 Effect of Merger or Consolidation Upon the merger or consolidation becoming effective the several corporations parties to the plan of merger or consolidation shall be a single corporation which in the case of a merger shall be that corporation designated in the plan of merger as the surviving corporation and in the case of a consolidation shall be the new corporation provided for in the plan of consolidation The separate existence of the corporations parties to the plan of merger or consolidation shall cease except that of the surviving corporation in the case of a merger The surviving or new corporation as the case may be shall possess all the rights privileges franchises and credits theretofore vested in the several corporations parties to the plan of merger or consolidation and such rights privileges franchises and credits shall be deemed and taken to be transferred to and vested in the said surviving or new corporation as the case may be without any further act or deed provided however that said corporation shall not thereby acquire authority to engage in any business or exercise any right which a corporation may not be formed under this act to engage in or exercise All the property real personal and mixed of each of the corporations parties to the plan of merger or consolidation and all debts due on whatever account to any of them including subscriptions for membership and other choses in action belonging to any of them shall be transferred to and vested in such surviving or new corporation as the case may be without further act or deed The surviving or new corporation shall be responsible for all the liabilities and obligations of each of the corporations merged or consolidated but the liabilities of the merging or consolidating corporations or of their members directors or officers shall not be affected nor shall the rights of the creditors thereof or of any person dealing with such corporations or any liens upon the property of such corporations be impaired by such merger or consolidation and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted to judgment as if such merger or consolidation had not taken place or the surviving or new corporation may be proceeded against or substituted in its place If in the case of a merger the articles of incorporation shall set forth any matters with respect to which the articles of incorporation of the surviving corporation are to be amended the articles of incorporation shall be deemed to be amended accordingly upon the recording of the articles of merger and the order of the court In the case of a consolidation the articles of consolidation shall be deemed to be the articles of incorporation of the new corporation Any devise bequest gift or grant contained in any will or other instrument in trust or otherwise made before or after such merger or consolidation to or for any of the constituent corporations shall inure to the surviving or new consolidated corporation as the case may be All property of any kind held in trust by either of the constituent corporations shall thereafter be held by the surviving or new consolidated corporation upon the same trusts unless the court shall direct otherwise

Section 905 Issuance and Recording of Certificate of Authority If the Department of State finds that the provisions of this article have been compiled with and that the applicant corporation is entitled to a certificate of authority to do business in this Commonwealth it shall forthwith but not prior to the day specified in the advertisement heretofore required in this article endorse its approval upon the application for a certificate af authority and when all fees and charges have been paid as required by law shall file the application and the copy of the articles and shall issue to the corporation a certificate of authority to do business in this Commonwealth The certificate of authority shall set forth the name of the corporation the address of its initial registered office in this Commonwealth and the business which the corporation is authorized to transact in this Commonwealth Upon the issuance of the certificate of authority by the Department of State the corporation may do in this Commonwealth any or all of the kinds of business referred to in the certificate of authority and no other subject however to the right of the Commonwealth to cancel or revoke such right to transact business in this Commonwealth as provided in this act The certificate of authority shall be returned to the corporation or its representative and such certificate and a verified copy of its articles shall be recorded in the office of the recorder of deeds of the county in which the registered office of the corporation in this Commonwealth is located The certificate of authority upon being recorded by the recorder of deeds shall be returned to the corporation or its representative

Section 912 Service of Process Service of process against a foreign non-profit corporation upon the Secretary of the Commonwealth shall be made by the sheriff of Dauphin County by leaving the fee the plaintiff as required by law to pay to the Secretary of the Commonwealth for this service and two copies of the process at the office of the Secretary of the Commonwealth The sheriff shall make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have its registered office or in the county in which the right of action arose When legal process against any such corporation has been served upon the Secretary of the Commonwealth he shall immediately send by mail postage prepaid one copy of such process directed to the corporation at its registered address The fee paid by the plaintiff to the Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's costs if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof The service of process on the Secretary of the Commonwealth under the section shall be of the same legal force and validity as if the process had been served on the corporation and the authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation in this Commonwealth Nothing herein contained shall limit or affect the right to serve any process notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law

Section 913 Penalty for Doing Business Without Cer-

tificate of Authority Any person agent officer or employe of a foreign non-profit corporation who shall transact any business within this Commonwealth for any such foreign non-profit corporation without first obtaining a certificate of authority as provided in this article or who transacts any business within this Commonwealth after a certificate of authority issued by the department of State has been revoked cancelled or withdrawn as provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall b punished by imprisonment not exceeding thirty days and by a fine not exceeding one thousand dollars ($1,000.00) or either in the discretion of the court trying the same but the failure of any such corporation to apply for and secure a certificate of authority from the Department of State shall not impair or affect the validity of any contract with such corporation and actions or proceedings at law or in equity may be instituted and maintained on any such contract No such action however shall be instituted or recovery had by any such corporation on any such contract either expressed or implied in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof until such corporation shall obtain a certificate of authority and shall pay to the Department of State a fine of two hundred fifty dollars ($250.00)

Section 914 Acquisition of Real Property Every foreign non-profit corporation authorized to transact business within this Commonwealth may acquire hold mortgage lease and transfer real property in this Commonwealth in the same manner and subject to the same limitations as non-profit corporations formed under the laws of this Commonwealth Every such corporation may purchase in its corporate name at any [sheriff's] tax or [other] judicial sale any real estate within this Commonwealth upon which such corporation may have or hold a judgement or lien and may at its pleasure sell and convey such real estate All the rights privileges and duties now by law according to and imposed upon lien creditors purchasing at tax or judicial sales are hereby extended to such corporations

Section 1001 Voluntary Dissolution A Any non-profit corporation may upon application to the [equity side of the] Court of Common Pleas of the county in which its registered office is located [or in which its principal activities are conducted] be dissolved and wind up its affairs Before the application is made to the court a resolution authorizing the institution of voluntary proceedings for the dissolution of the corporation shall be approved by a majority vote or such other vote as the articles may require of each class of members of the corporation at a regular or special meeting convened after proper notice of this purpose to all the members

B Application to the court shall be made by a petition of the corporation signed and verified by at least two duly authorized officers thereof The petition shall be under the seal of the corporation and shall among other things set forth

(1) The name and location of the registered office of the corporation

(2) The act of Assembly under which the corporation was formed the date when the court entered the decree of incorporation and the date when and the place where the original articles were recorded

(3) The time and place of the meeting of the members of the corporation at which the resolution authorizing the dissolution proceeding was adopted the kind and period of notice of the meeting given to the members and the total vote by which the resolution was adopted

(4) An inventory of all the real personal property of the corporation which shall show separately any real or personal property held in trust by the corporation

(5) A statement of all liens and encumbrances upon the corporate property and all outstanding claims of the corporation

(6) The name and addresses of all the existing members of the corporation to the extent this information is known and their respective rights if any to share in the corporate assets in excess of the debts and obligations of the corporation

The petition shall in all cases be accompanied by a certified copy of the charter of the corporation the resolution authorizing the institution of the dissolution proceedings and any trust instument relating to any real or personal property of the corporation Upon the presentation of the petition to the court the proceedings for dissolution shall be deemed to commence and thereafter the corporation shall cease to transact any business whatsoever except in so far as may be necessary for the winding up of the affairs of the corporation

C Upon the presentation of the petition the court shall enter a preliminary decree appointing the day for the hearing of the petition and directing all persons interested in the corporation at that time to show cause if any they have why the corporation should not be dissolved The petitioners shall advertise the contents of the decree once a week for two consecutive weeks in th county wherein the registered office of the corporation is located [and also in the county where the principal activities of the corporation are conducted if the petition for dissolution is filed in such county] Advertisements shall appear [in a newspaper of general circulation published within the county and in the legal newspaper if any designated by the rules of court for the publication of legal notices otherwise in two newspapers of general circulation published within the county Where there is but one newspaper of general circulation published in any county advertisements in such newspaper shall be sufficient] in two newspapers published in the English language one of which shall be a newspaper of general circulation and the other the legal newspaper if and designated by the rules of court for the publication of legal notices or if there is no such legal newspaper in two newspapers of general circulation published in the said county or if there is but one such newspaper in that newspaper On the day fixed in the decree or as soon thereafter as the matter may be heard proof of the advertisements heretofore required shall be presented to the court whereupon the court shall consider the petition If the court shall be satisfied that the prayer of the petition may be granted without prejudice to the public welfare or the interests of the members of the corporation the court shall decree that the petition is approved and that upon the recording of the petition and decree the corporation shall be dissolved Before entering the final decree of dissolution the court shall cause the assets of the corporation to be marshaled and the property rights to be adjudicated either by proceedings before the court or before a master appointed by it provided that property devoted to religious literary educational or charitable uses shall not be diverted from the objects for which it was donated granted bequeathed or devised In entering the final decree the court shall order the distribution of the property and assets of the corporation among the members entitled thereto shall direct what disposition shall be made of any real or personal property devoted to any religious literary educational or charitable use and shall designate the directors of the corporation or having proper cause a liquidating trustee to wind up the affairs of the corporation according to the decree of the court Upon the recording of the petition and decree of the court in a manner similiar to that heretofore specified in this act in the case of the formation of a corporation the dissolution of the corporation shall become effective and thereafter the directors of the corporation or the liquidating trustee appointed by the court shall wind up the affairs of the corporation in accordance with the decree

D The prothonotary in making the monthly report to the Department of State heretofore required by this act shall include in such report the name and location of the registered office of every corporation which during the preceding month was dissolved by proceeding under this section For this service the prothonotary shall receive a fee of one dollar ($1.00) from each corporation The Department of State shall cancel the registration of the name of the corporation and shall note after the name the date the corporation was dissolved

Section 1002 Dissolution of Certain Religious Corporations Whenever any non-profit corporation organized for the support of public worship by reason of the shifting of population withdrawal of membership or any other cause whatsoever has ceased to support public worship within

the intent and meaning of its articles the diocesan convention presbytery synod conference council or other supervising and controlling organization of which the corporation is a member or with which it is in allegiance and to which it is subordinate may petition the [equity side of the] Court of Common Pleas of the county in which the registered office of the corporation is located setting forth the facts of the case and praying for a decree of dissolution The petition shall be under the seal of the organization signed and verified by at least two duly authorized officers thereof and shall set forth the information heretofore required to be set forth in a petition for the voluntary dissolution of a corporation to the extent that such information is applicable The court shall after notice and hearing as heretofore provided in this article enter a decree of dissolution if satisfied that the prayer of the petition may be granted without prejudice to the public welfare or the interests of the members of the corporation Upon the recording of the petition and decree of the court as heretofore provided in this article the dissolution of the corporation shall become effective

Section 1004 Continuation of Corporation After Dissolution All non-profit corporations whether they expire by their own limitatin or are otherwise dissolved shall nevertheless continue to exist for a period of two years after the date of dissolution for the purpose of winding up their affairs instituting prosecuting and defending actions by or against them collecting and discharging obligations disposing of and conveying their property and collecting and dividing their assets but not for the purpose of continuing business except in so far as necessary for the winding up of the corporation No action or proceeding to which a non-profit corporation is a party shall abate by the dissolution of the corporation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 630, as follows:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them an dtheir officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain state departments commissions and officers authorizing certain state departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" re-defining authorized capital stock eliminating certain approvals of articles of incorporation and certificates of authority and further regulating the incorporation of business corporations and the amendments to the articles thereof regulating and extending the rights responsibilities authority powers and immunities of such corporations and of reorganized corporations and of the shareholders thereof and the rights powers qualifications and compensation of the officers thereof providing for certificates of approval by the Department of State further providing for and regulating the merger or consolidation and dissolution of such corporations and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two two hundred five two hundred six three hundred two three hundred four three hundred ten three hundred twelve four hundrd one four hundred six five hundred nine six hundred two seven hundred five seven hundred six eight hundred eight nine hundred seven section one thousand five as amended sections one thousand eleven one thousand twelve one thousand fourteen one thousand one hundred three of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred twenty-three) are hereby further amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Articles" includes the original articles of incorporation any or al amendments thereto and artices of merger or consolidation and also includes what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of the corporation

"Authorized Capital Stock" means the aggregate par value of shares of all classes having par value and the aggregate number of share of all classes [either with or] without par value which the corporation is authorized to issue

"Corporation for Profit" means a corporation organized for the direct or indirect pecuniary profit of its shareholders

"Domestic Business Corporation" or "Business Corporation" means a corporation for profit organized under this act or heretofore organized under or by virtue of any other law of this Commonwealth for any purpose or purposes for which a corporatin may be organized under this act

"Foreign Business Corporation" means a corporation for profit organized under or by virtue of any laws other than those of this Commonwealth for any purpose or purposes for which a corporation may be formed under this act

"Incorporator" means a signer of the original articles of incorporation

"Paid-in Surplus" means that part of the consideration received by a business corporation for or on account of all shares issued which does not constitute stated capital

"Registered Office" means that office maintained by a domestic or foreign business corporation in this Commonwealth the address of which is filed with the Department of State

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the person or corporation therein named is the registered owner of the shares therein described and also includes the term "Certificat of Stock" as used in existing laws

"Shareholder" means a registered owner of shares in a business corporation

"Shares" are the units into which the shareholders' rights to participate in the control of a business corporation in its surplus or profits or in the distribution of its assets are divided

"Stated Capital" means at any particular time the sum of the par value of all shares then issued having a par value the consideration received by a business corporation for all shares then issued without par value except such part thereof as may have been allocated otherwise than to stated capital in a manner permitted by this act and such other amounts as may have been transferred to the stated capital account of the corporation whether from the issue of shares as a share dividend or otherwise minus such formal reductions from such sum as may have been effected in a manner permitted by this act

"Subscriber" means one who subscribes for shares in a business corporation whether before or after incorporation

"Written" includes printed typewritten engraved lithographed telegraphed cabled radiogrammed photographed photostated telephotographed or other form of recordation

Section 205 Advertisement The incorporators shall advertise their intention to file articles of incorporation with the Department of State one time in two newspapers published in the English language [one of which shall be a newspaper of general circulation and the other of the legal newspaper if any designated by the rules of the court for the publication of legal notices otherwise in two newspapers of general circulation published in the county in which the initial registered office of the corporation is to be located Where there is but one newspaper of general circulation published in any county advertisement in such newspaper shall be sufficient] in the county in which the initial registered office of the corporation is to be located one of which shall be a newspaper of general circulation and the other the legal newspaper if any designated by the rules of court for the publication of legal notices or if there is no such legal newspaper in two newspapers of general circulation published in the said county or if there is but one such newspaper in that newspaper Advertisements shall appear at least three days prior to the day the articles of incorporation are filed with the Department of State and shall set forth briefly

(1) The name of the proposed corporation

(2) A statement that the proposed corporation is to be organized under the provisions of this act

(3) The purpose or purposes of the proposed corporation [and]

(4) The time when the articles will be filed with the Department of State

Section 206 Filing of Articles Certificate of Incorporation A The incorporators shall deliver or cause to be delivered to the Department of State the articles of incorporation and proof of the advertisement required by the preceding section If the Department of State finds that the articles conform to law it shall forthwith but not prior to the day specified in the advertisement required by the preceding section endorse its approval thereon and when all bonus fees and charges have been paid as required by law shall file the articles and issue to the incorporators or their representative a certificate of incorporation to which shall be attached a copy of the approved articles The articles upon being approved and filed by the Department of State shall constitute the charter of the corporation

B If the articles of incorporation delivered to the Department of State are for the incorporation of a business corporation for the transaction of any business in which a corporation may not engage without the approval of or a license from any department board or commission of the Commonwealth the Department of State shall [refer the articles to such department board or commission and shall not file the articles or issue a certificate of incorporation until the approval or consent of such department board or commission shall have been endorsed on the articles] upon the issuance of the Certificate of Incorporation attach to the Certificate of Incorporation a notification of the name of each department board or commission of the Commonwealth from which the corporation shall be required to obtain a license or certificate of approval before transacting such business and shall promptly certify the fact of such incorporation to each such department board or commission setting forth the name of the corporation and post office address of the initial registered office in this Commonwealth the date of issuance of the Certificate of Incorporation the purpose or purposes for which the corporation is organized the names and post office addresses of the first directors of such corporation the aggregate number of shares which the corporation shall have authority to issue and the par value thereof

Section 302 General Powers Subject to the limitations and restrictions contained in this act or in its articles every business corporation shall have power

(1) To continue as a corporation for the time specified in its articles subject to the power of the General Assembly under the Constitution of this Commonwealth

(2) To sue and be sued complain and defend in its corporate name

(3) To have a corporate seal which may be altered at pleasure and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced

(4) To purchase take receive lease as lessee take by gift devise or bequest or otherwise acquire and to own hold use and otherwise deal with any real or personal property or any interest therein situated in or out of this Commonwealth which may be appropriate to enable it to accomplish fully and properly its corporate purpose or purposes

(5) To sell and convey mortgage pledge lease as lessor and othewise dispose of all or any part of its property and assets

(6) Whenever appropriate to enable it to accomplish any or all of the purposes for which it is organized to guarantee purchase take receive or otherwise acquire hold sell assign transfer mortgage loan pledge or otherwise dispose of and otherwise use and deal in and with the shares bonds securities and other evidences of indebtedness of any other domestic corporation or of any corporation formed under any laws other than those of this Commonwealth and while the owner of the same to exercise all the rights powers or privileges of ownership including the right to vote thereon

(7) To purchase take receive or otherwise acquire hold on pledge transfer or otherwise dispose of its own shares except that no such purchase or acquisition shall be made at a time when the net assets of the corporation are less than its stated capital or which would reduce its net assets below its stated capital

(8) To borrow money for any or all of the purposes for which it is organized to issue its promissory notes bonds or other forms of certificates of indebtedness for the repayment thereof with interest and to secure any of its obligations by mortgage pledge or deed of trust of or on any of its property franchise and income

(9) To invest its surplus funds from time to time to lend money for any or all of the purposes for which it is organized and to take and hold real and personal property as security for the payment of funds so invested or loaned

(10) To conduct its business carry on its operations and have offices within and outside of this Commonwealth and to exercise in any other state territory district or possession of the United States or in any foreign country and the territories and colonies thereof the powers granted by this act

(11) To [make alter amend and repeal by-laws] make by-laws which are not and so to alter and amend any of them that they shall not be [not] inconsistent with its articles or with law for the administration and regulation of the affairs of the corporation and to repeal any by-laws

(12) To elect or appoint and remove officers and agents of the corporation and to define their duties and fix their compensation

(13) To enter into any obligation necessary for the transaction of its affairs

(14) To have and exercise all of the powers and means

necessary or essential to effect the purpose or purposes for which the corporation is organized

(15) To dissolve and wind up

The powers herein enumerated shall not be construed as limiting or enlarging the grant of authority hereinbefore made by this article or as a limitation on the purposes for which a corporation may be organized It shall not be necessary to set forth any of such enumerated powers in the articles of the corporation Except as otherwise provided in this act or in the articles or in the by-laws the powers herein enumerated shall be exercised by the board of directors of the corporation

Section 304 Adoption and Contents of By-Laws [Except as hereinafter provided the] The shareholders shall have the power to make alter amend and repeal the by-laws of a business corporation [. The] but the authority to make alter amend and repeal by-laws may be expressly vested by the articles or the by-laws in the board of directors subject always to the power of the shareholders to change [or repeal such by-laws] such action Unless the articles or by-laws otherwise provide the [by-laws shall be adopted altered amended and repealed] powers hereby conferred shall be exercised by a majority vote of the members of the board of directors or of the shareholders entitled to vote thereon as the case may be at any regular or special meeting duly convened after notice to the shareholders or directors of that purpose The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles and may provide penalties for the breach thereof not exceeding twenty dollars

Section 310 Authority to Acquire Property at Tax or Judicial Sale A business corporation may at any tax or judicial sale of any property upon which the corporation holds a mortgage or has a lien of any nature whatsoever bid in such property if necessary for the protection of its interest The corporation shall acquire a good and indefeasible title to any and all property so purchased irrespective of any limitation as to the acquisition of property that may exist in its articles or in this act All property so purchased may be held by the corporation until such time as it shall believe it advisable to dispose of the same It shall be lawful for the corporation to sell the property upon such terms and for such consideration as it deems desirable The corporation may sell such property and convey a marketable title thereto without the authorization or confirmation of any court

Section 312 Reorganization Upon Forced Sale of Corporate Property and Franchises A When the franchises property and assets of any domestic or foreign business corporation which are located in this Commonwealth shall be sold under and by virtue of any process or decree of any court of this Commonwealth or of the United States or under or by virtue of a power of sale contained in any mortgage or deed of trust the persons for or on whose account such franchises property and essets were purchased may organize a business corporation in the manner heretofore provided in this act which shall be vested with and be entitled to exercise and enjoy all the rights credits powers immunities privileges and franchises which at the time of such sale belonged to or were vested in the corporation last owning the property sold or its receiver and shall be subject to all the duties imposed by law on business corporations In such event the articles of incorporation shall in addition to the information heretofore required by this act set forth the name of the corporation whose property and franchises were acquired the law under which such corporation was organized the date of the judgment or decree authorizing or directing the sale and a brief description of the property sold

B At or previous to the sale the purchasers or the persons for whom the purchase is to be made may enter into a plan or agreement for or in anticipation of the readjustment of the respective interests of any creditors mortgagees shareholders or any of them of the corporation owning such franchises property and assets at the time of the sale and of holders of claims against such corporation and for the representation of such interests in the bonds shares obligations or other securities of the new corporation Such plan or agreement may provide for the regulation of the voting powers of any class or classes of shares and may provide for and regulate voting by the holders and owners of any or all of the bonds of the old corporation or of the bonds issued or to be issued by the new corporation In such event the right of voting by bond holders shall be exercised in such manner for such period and upon such conditions as shall be provided in the plan or agreement Such plan or agreement shall be binding upon the new corporation The new corporation may issue its bonds and stock in conformity with the provisions of such plan or agreement and may at any time within six months after its organization compromise settle or assume the payment of any debt claim or liability of the old corporation or any claims against it upon such terms as may be lawfully approved by a majority of the agents or trustees charged with th ecarrying out of the plan or agreement of reorganization

Section 401 Board of Directors The business and affairs of every business corporation shall be managed by a board of at least three directors who shall be natural persons of full age and who need not be residents of this Commonwealth or shareholders in the corporation unless the articles or by-laws so require Each director shall hold office for the term from which he is elected and until his successor shall have been elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as hereinafter provided in this article in the case of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders A business corporation may allow compensation to its directors for their services and a director may also be a salaried officer of the corporation

Section 406 Officers and Agents Every business corporation shall have a president a secretary and a treasurer and may have such other officers and assistant officers and agents [as the needs of the corporation may require] as it shall authorize from time to time The articles or by-laws may prescribe special qualifications for such officers The President and Secretary shall be natural persons of full age the Treasurer however may be a corporation but if a natural person shall be full age The officers assistant officers and agents shall be elected or appointed either by the board of directors or by the shareholders at such time in such manner and for such terms and compensation as the by-laws may prescribe It shall not be necessary for the officers to be directors If the by-laws so provide any two or more offices may be held by the same person except the offices of president and secretary The board of directors may secure the fidelity of any or all of such officers by bond or otherwise Unless otherwise provided in the by-laws the board of directors shall have power to fill any vacancies in any office occurring from whatever reason All officers and agents of the corporation as between themselves and the corporation shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the by-laws or in the absence of controlling provisions in the by-laws as may be determined by resolution of the board of directors In case of the absence illness incapacity or unwillingness to act of any officer the directors may appoint a temporary substitute to exercise the functions of his office during the continuance of such absence illness incapacity or unwillingness or may delegate such functions to another officer of the corporation during such period

Section 509 Determination of Shareholders of Record Unless the by-laws otherwise provide the board of directors may fix a time not less than ten or more than [forty] seventy days prior to the date of any meeting of shareholders or the date fixed for the payment of any dividend or distribution or the date for the allotment of rights or the date when any change or conversion or exchange of shares will be made or go into effect as a record date for the determination of the shareholders entitled to notice of and to vote at any such meeting or entitled to receive payment of any such dividend or distribution or to receive any such allotment of rights or to exercise the rights in respect to any such change conversion or exchange of shares In such case only such shareholders as shall be

shareholders of record on the date so fixed shall be entitled to notice of and to vote at such meeting or to receive payment of such dividend or to receive such allotment of rights or to exercise such rights as the case may be notwithstanding any transfer of any shares on the books of the corporation after any record date fixed as aforesaid The board of directors may close the books of the corporation against transfers of shares during the whole or any part of such period and in such case written or printed notice thereof shall be mailed at least ten days before the closing thereof to each shareholder of record at the address appearing on the records of the corporation or supplied by him to the corporation for the purpose of notice While the stock transfer books of the corporation are clsed no transfer of shares shall be made thereon Unless a record date is fixed by the by-laws or the board of directors for the determination of shareholders entitled to receive notice of or vote at shareholders' meeting transferees of shares which are transferred on the books of the corporation within ten days next preceding the date of such meeting shall not be entitled to notice of or to vote at such meeting

Section 602 Issuance of Certain Shares in Series A If the articles so provide the shares of any preferred or special class may be divided into and issued in series If the shares of any such class are to be issued in series then each series shall be so designated a to distinguish the shares thereof from the shares of all other series and classes Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles provided that all shares of the same class shall be identical except as to the following relative rights and preferences in respect of any or all of which there may be variations between different series namely the rate of dividend the price at and the terms and conditions on which shares may be redeemed the amounts payable upon shares in event of voluntary or involuntary liquidation sinking fund provisions for the redemption or purchase of shares and the terms and conditions on which shares may be converted in the event the shares of any series are issued with the privilege of conversion Different series of the same class of shares shall not be construed to constitute different classes of shares for the purpose of voting by classes under this act

B If the articles shall expressly vest authority in the board of directors then to the extent that the articles shall not have established series and fixed and determined the variations in the relative rights and preferences as between series the board of directors shall have authority by resolution to divide any or all of such classes into series and within the limitations set forth in this section fix and determine the relative rights and preferences of any series so established Such authority of the board of directors shall be subject to such limitations if any as are stated in the articles and shall always be subject to the limitation that the board of directors shall not create a sinking fund in respect of any series unless provision for a sinking fund at least as beneficial to all issued and outstanding shares of the same class shall either then exist or be at the same time created

C Prior to the issue of any shares of a series established by resolution adopted by the board of directors the corporation shall present to the Department of State a statement executed under the seal of the corporation signed and verified by two duly authorized officers thereof and setting forth

(1) The name of the corporation

(2) The resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof

(3) The date and the manner of the adoption of such resolution

If the Department of State finds that such statement conforms to law and the articles of the corporation and when all fees have been paid as required by law it shall endorse its approval thereon shall file the statement and shall issue to the corporation or its representative a certificate of approval to which shall be attached a copy of the approved statement Upon the filing of such statement by the Department of State the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective

Section 705 Redemption and Cancellation of Shares A Whenever any business corporation shall have issued any shares which are subject to redemption and cancellation it may by resolution of its board of directors redeem and cancel such shares for consideration not in excess of that provided in the articles Such corporation may apply to such redemption an amount out of its stated capital which shall not be greater than that portion of the stated capital represented by such shares at the time of such redemption and the stated capital of the corporation shall be deemed to be reduced to this extent No redemption of shares shall be made which will reduce the remaining assets of the corporation below an amount sufficient to pay all debts and known liabilities of the corporation as they mature except such debts and liabilities as have been otherwise adequately provided for or which will reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon dissolution

B In every such case a statement of redemption and cancellation shall be executed under the seal of the corporation signed and verified by two duly authorized officers thereof which shall set forth

(1) The name of the corporation and the address of its registered office

(2) The aggregate number of shares which the corporation had authority to issue itemized by classes and series

(3) The number of shares redeemed and cancelled itemized by classes and series

(4) The number of shares which the corporation has authority to issue itemized by classes and series after giving effect to the redemption and cancellation

(5) A statement of the aggregate number of issued shares itemized by classes par value of shares shares without par value and series if any within a class after giving effect to such redemption and cancellation

(6) A statement expressed in dollars of the amount of the stated capital and the amount of paid-in surplus of the corporation after giving effect to such redemption and cancellation

C The statement shall be delivered to the Department of State either prior to or within thirty days after the date of such redemption and cancellation If the Department of State finds that the statement conforms to law it shall endorse its approval thereon shall file the statement and shall issue to the corporation or its representative a certificate of approval to which shall be attached a copy of the approved statement The filing of such statement shall operate as an amendment to the articles of the corporation and shall reduce the number of shares of the class so redeemed which the corporation is authorized to issue by the number of the shares so redeemed and cancelled Nothing contained in this section shall be construed to prohibit a reduction of authorized capital stock or a reduction of stated capital in any other manner permitted by this act

Section 706 Reduction of Stated Capital Without Change in Share Structure A A reduction in the stated capital of a corporation which does not involve an exchange reclassification or cancellation of shares or a reduction of the number of authorized shares of any class below the number of issued shares of that class or a redemption and cancellation of shares may be effected in the manner hereinafter provided in this section The board of directors of the corporation shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected and directing that the question of such reduction be submitted to a vote at an annual meeting of the shareholders or at a special meeting of the shareholders entitled to vote thereon Written notice stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation shall be given ot each shareholder of record entitled to vote thereon within the time and in the manner prescribed in this act for the giving of notice of meetings of shareholders If such meeting

be an annual meeting such purpose may be included in a notice of such annual meeting The resolution shall be adopted upon receiving the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote thereon unless any class of shares is entitled to vote thereon as a class in which event the proposed resolution for reduction of stated capital shall require for its adoption the affirmative vote of the holders of at least a majority of the outstanding shares of each class entitled to vote as a class hereon and at least the affirmative vote of the holders of a majority of all outstanding shares entitled to vote thereon

B Upon the approval of the resolution by the shareholders a statement shall be executed under the seal of the corporation signed and verified by at least two duly authorized officers thereof which shall set forth

(1) The name of the corporation and the address of its registered office

(2) The number of shares outstanding the number of shares entitled to vote in respect of such reduction and if the shares of any class are entitled to vote as a class the number of shares of such class and the number of shares of all other classes entitled to vote thereon

(3) The number of shares voted for and against such reduction respectively and if the shares of any class are entitled to vote as a class the number of shares of each such class and the number of shares of all other classes voted for and against such reduction respectively

(4) A statement expressed in dollars of the amount of stated capital and the amount of paid-in surplus of the corporation adjusted to give effect to such resolution

C The statement shall be filed with the Department of State If the Department of State finds that such statement conforms to law it shall endorse its approval thereon shall file the statement and shall issue to the corporation or its representative a certificate of approval to which shall be attached a copy of the approved statement Upon the filing of such statement the reduction shall be effective

Section 808 Filing of Articles of Amendment The Articles of amendment and proof of the advertisement heretofore required in this article shall be delivered by the corporation or its representative to the Department of State If the Department of State finds that such atricles conform to law it shall forthwith but not prior to the day specified in the advertisement required by the preceding section endorse its approval thereon and when all bonus and fees [taxes and charges] have been paid as required by law shall file the articles and issue to the corporation or its representative a certificate of amendment to which shall be attached a copy of the approved articles

Section 907 Effect of Merger or Consolidation Upon the merger or consolidation becoming effective the several corporations parties to the plan of merger or consolidation shall be a single corporation which in the case of a merger shall be that corporation designated in the plan of merger as the surviving corporation and in the case of a consolidation shall be the new corporation provided for in the plan of consolidation The separate existence of all corporations parties to the plan of merger or consolidation shall cease except that of the surviving corporation in the case of a merger The surviving or new corporation as the case may be shall possess all the rights privileges franchises and credits theretofore vested in the several corporations parties to the plan of merger or consolidation and such rights privileges franchises and credits shall be deemed and taken to be transferred to and vested in the said surviving or new corporation as the case may be without any further act or deed provided however that said corporation shall not thereby acquire authority to engage in any business or exercise any right which a corporation may not be formed under this act to engage in or exercise All the property real personal and mixed of each of the corporations parties to the plan of merger or consolidation and all debts due on whatever account to any of them including subscription to shares and other choses in action belonging to any of them shall be taken and deemed to be transferred to and vested in the surviving or new corporation as the case may be without further act or deed The surviving or new corporation shall thence forth be responsible for all the liabilities and obligations of each of the corportaions so merged or consolidated but the liabilities of the merging or consolidating corporations or of their shareholders directors or officers shall not be affected nor shall the rights of the creditors thereof or of any persons dealing with such corporations or any liens upon the property of such corporations be impaired by such merger or consolidation and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted to judgment as if such merger or consolidation had not taken place or the surviving or new corporation may be proceeded against or substituted in its place In the case of a merger the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent if any that changes in its articles are stated in the articles of merger and in the case of a consolidation the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations formed under this act shall be deemed to be the articles of incorporation of the new corporation The aggregate amount of the net assets of the merging or consolidating corporations which was available for the payment of dividends immediately prior to such merger or consolidation to the extent that the value thereof is not transferred to stated capital by the issuance of shares or otherwise shall continue to be available for the payment of dividends by such surviving or new corporation

Section 1005 Issuance of Certificate of Authority A If the Department of State fiunds that the provisions of this article have been complied with and that the applicant corporation is entitled to a certificate of authority to do business in this Commonwealth it shall forthwith but not prior to the day specified in the advertisement heretofore required in this article endorse its approval upon the application for a certificate of authority and when all bonus fees and charges have been paid as required by law shall file the application and the copy of the articles and shall issue to the corporation a certificate of authority to do business in this Commonwealth The certificate of authority shall set forth the name of the corporation the address of its registered office in this Commonwealth and the character and nature of the business it is authorized to transact in this Commonwealth Upon the issuance of the certificate of authority by the Department of State the corporation may do in this Commonwealth any or all of the kinds of the business referred to in the certificate of authority and no other subject however to the right of the Commonwealth to cancel or revoke such right to transact business in this Commonwealth as provided in this act The certificate of authority shall be delivered to the corporation or its representative

B If the applicant corporation desires to transact any business in which a corporation may not engage without the approval of or license from any department board or commission of the Commonwealth the Department of State shall [refer the application and articles of the corporation to such department board or commission and shall not issue a certificate of authority until the approval or consent of such department board or commission shall have been endorsed upon the application] upon the issuance of the certificate of authority attach to the certificate or authority a notification of the name of each department board or commission of the Commonwealth from which the corporation shall be required to obtain a license of certificate of approval before transacting such business and shall promptly certify the fact of the issuance of such certificate of authority to each such department board or commission setting forth the name of the corporation the name of the State or country under the laws of which is is formed the address of the proposed registered office in this Commonwealth the general character of the business is proposes to transact within Pennsylvania the date of issuance of the certificate of authority

Section 1011 Service of Process upon the Secretary of the Commonwealth Service of process against a foreign business corporation upon the Secretary of the Commonwealth shall be made by the Sheriff of Dauphin County by leaving the fee the plaintiff is required by law to pay to the Secretary of the Commonwealth for this serv-

ice and two copies of the process at the office of the Secretary of the Commonwealth The sheriff shall make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have ts registered office or in the county in which the right of action arose When legal process against any such corporation has been served upon the Secretary of the Commonwealth he shall immediately send by mail postage prepaid one copy of such process directed to the corporation at its registered office The fee paid by the plaintiff to the Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's costs if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and the hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof The service of process on the Secretary of the Commonwealth under this section shall be of the same legal force and validity as if the process had been served on the corporation and the authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation on the Commonwealth Nothing herein contained shall limit or affect the right to serve any process notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law

Section 1012 Acquisition of Real Property Every foreign business corporation authorized to transact business within this Commonwealth may acquire mortgage lease and transfer real property in this Commonwealth in the same manner and subject to the same limitations as domestic business corporations Every such corporation may purchase in its corporation name at any [sheriff's] tax or [other] judicial sale any real estate within this Commonwealth upon which such corporation may have or hold a judgment or lien and may at its pleasure sell and convey such real estate All the rights privileges and duties now by law accorded to and imposed upon lien creditors purchasing at judicial sales are hereby extended to such corporations

Section 1014 Penalty for Doing Business without Certificate of Authority Any person agent officer or employe who shall transact any business within this Commonwealth for any foreign business corporation which is required by the provisions of this act to procure a certificate of authority but has not done so or any person agent officer or employe of such a foreign corporation who transacts any business within this Cmmonwealth after a certificate of authority issued by the Department of State has been revoked cancelled or withdrawn as provided by this act shall be guilty of a midemeanor and upon conviction thereof shall be punished by imprisonment not exceeding thirty days or by a fine not exceeding One Thousand Dollars ($1000) or both in the discretion of the court trying the same but the failure of any such corporation to apply for and secure a certificate of authority from the Department of State shall not impair or affect the validity of any contract with such corporation and actions or proceedings at law or in equity may be instituted and maintained on any contract No such action however shall be instituted or recovery had by any such corporation on any such contract either expressed or implied in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof until such corporation shall obtain a certificate of authority and shall pay to the Department of State a fine of Two Hundred Fifty dollars ($250.00)

Section 1103 Certificate of Election to Dissolve Upon the execution by all the shareholders of a written agreement for the voluntary dissolution of a corporation or upon the adoption at a meeting of the shareholders of a resolution for the voluntary dissolution of a corporation as the case may be a certificate of election to dissolve shall be executed under the seal of the corporation signed and verified by two duly authorized officers of the corporation which shall set forth

(1) The name of the corporation

(2) The address including street and number if any of the registered office of the corporation in this Commonwealth

(3) The names and respective addresses including street and number if any of its officers

(4) The names and respective addresses including street and number if any of its directors

(5) If the election to dissolve was written agreement of all shareholders a statement that the agreement was signed by all shareholders of record of the corporation or signed in their names by their duly authorized attorneys

(6) If the election to dissolve was by resolution adopted at a meeting of the shareholders the number of shares outstanding the number of shares entitled to vote in respect of the dissolution of the corporation and the number of shares voted for and against the voluntary dissolution of the corporation respectively and if the shares of any class are entitled to vote as a class the number of shares of such class and the number of shares all other classes voted for and against the voluntary dissolution of the corporation

The certificate of election to dissolve shall be delivered to the Department of State If the Department of State finds that the certificate conforms to law it shall endorse its approval thereon and when all [bonus taxes] fees [and charges] required by law have been paid shall file the certificate and shall issue to the corporation or its representative a certificate of approval to which shall be attached a copy of the approved certificate Upon the filing by the Department of State of a certificate of election to dissolve the corporation shall cease to carry on its business except in so far as may be necessary for the proper winding up thereof but its corporate existence shall continue until a certificate of dissolution has been issued by the Department of State or until a decree dissolving the corporation has been entered by a court of common pleas as elsewhere provided in this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requireing bills to considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 641, as follows:

An Act declaring certain rights grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void vesting power in the Department of Forests and Waters the Water and Powers Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges and providing the procedure in such cases

Whereas The recent floods have directed attention to the fact that unregulated encroachments and grants of land under navigable streams have so narrowed the flood carrying capacity of the waters of the Commonwealth as to endanger public security and

Whereas The land underlying such navigable waters is held by the Commonwealth in trust for the public generally and all grants thereof heretofore made however broadly worded are to be held revocable whenever the public interests so require therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any right grant or privilege heretofore or hereafter granted or given by the Commonwealth of Pennsylvania in the bed of any navigable waters within or on the boundaries of this Commonwealth is hereby declared void whenever the same becomes or is deemed derogatory or inimical to the public interest or fails to serve the best interests of the Commonwealth

Section 2 The Department of Forests and Waters acting directly or through the Water and Power Resources Board and in the case of Lake Erie by or through the Pennsylvania State Park and Harbor Commission is hereby invested with power and jurisdiction to determine as a fact when any such right grant or privilege has become or is to be deemed derogatory or inimical to the public interest or fails to serve the best interests of the Commonwealth Any such determination shall only be made after full hearing of which the person firm or corporation having or claiming the right grant or privilege shall have due notice and an opportunity to be heard If after such hearing the Department of Forests and Waters the Water and Power Resources Board or the State Park and Harbor Commission shall find and determine that any such right grant or privilege is derogatory or inimical to the public interest or fails to serve the best interests of the Commonwealth such right grant or privilege shall be deemed to be revoked pursuant to section one hereof and upon service of the order of revocation in the manner in which a summons of the court of common pleas is served the right grant or privilege possessed in the bed of such navigable waters shall cease and terminate

Section 3 Within thirty days after the service of any findings determination or order of revocation in the manner hereinafter provided any party aggrieved by the findings or determination upon which such order of revocation is based may appeal therefrom to the Superior Court

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 758, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty-three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by further requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility and further regulating insurance policies which may be accepted as proof of financial responsibility imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth providing for the payment of judgments in installments prescribing additional penalties and adding new sections

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two six seven eight ten eleven thirteen fifteen sixteen and seventeen of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty-three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" are hereby amended to read as follows

Section 1 Definitions Throughout this act unless the context indicates a different intention the singular includes the plural and the masculine pronoun includes the feminine and the neuter

As used in this act

(a) "Secretary" means the Secretary of Revenue of this Commonwealth

(b) "Motor vehicle" means any self-propelled device in upon or by which any person or property is or may be transported or drawn upon a public highway except tractors power shovels road rollers agricultural machinery and vehicles which move upon or are guided by a track or trolley or travel through the air

(c) "Motor vehicle liability policy" means a policy of liability insurance designating by explicit description or appropriate reference all motor vehicles with respect to which coverage is intended to be granted by said policy and insuring to the amounts or limits hereinafter specified the person named therein and any other person using or responsible for the use of any such motor vehicles with the consent express or implied of such insured against loss from the liability imposed by law upon the insured or upon such other person for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or of his employes or other agents arising out of the ownership maintenance use or operation of any such vehicle within the continental limits of the United States of America or the Dominion of Canada or a binder pending the issuance of such a policy or an endorsement to an existing policy as hereinafter provided Within the meaning of this definition separate concurrent policies whether issued by one or several insurers covering respectively personal injury or death as aforesaid and property damage as aforesaid or covering both personal injury or death and property damage shall be deemed a "Motor Vehicle Liability Policy"

(d) "Motor vehicle operators' policy" means a policy of liability insurance insuring the person named therein to the amounts or limits hereinafter specified against loss from the liability imposed by law upon the insured for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or of his employes or other agents arising out of the operation by the insured of any motor vehicle within the continental limits of the United States of America or the Dominion of Canada or a binder pending the issuance of any such policy or an endorsement to an existing policy as hereinafter provided Within the meaning of this definition separate concurrent policies whether issued by one or several insurers covering respectively personal injury or death as aforesaid and property damage as aforesaid or covering both personal injury or death and property damage shall be deemed a "Motor Vehicle Operators' Policy"

(e) "Operator" means the person including a chauffeur in actual physical control of a motor vehicle upon a highway

(f) "Operator's license" means the license issued to any person to operate a motor vehicle within this State

(g) "Owner" has the same meaning as in the laws requiring the registration of motor vehicles within this State

(h) "Person" means a natural person firm copartnership association or corporation

(i) "Proof of financial responsibility" means evidence in a form authorized by this act of ability to respond in

damages resulting from the operation or ownership of a motor vehicle and arising by reason of personal injury to or death of any one person in the amount of at least five thousand dollars ($5,000) and subject to such limit for any one person injured or killed in an amount of at least ten thousand dollars ($10,000) for injury to or the death of two or more persons in any one accident and for damage to property in the amount of at least one thousand dollars ($1,000) resulting from any one accident

On the the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend page 4, section 1, line 1 by striking out the words "or covering both personal injury or"; amend page 4, section 1, line 2 by striking out the words "death and property damage"; amend page 4, section 1, line 21 by striking out the words "or covering both personal injury"; amend page 4, section 1, line 22 by striking out the words "or death and property damage."

Mr. REED. Mr. President, I second the motion.

On the the question,

Will the Senate agree to the amendment?

It was agreed to.

On the the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 Evidence of Ability to Respond in Damages For the purposes of this act the following will be deemed evidence of ability to respond in damages

(a) When proof of financial responsibility is required as a condition precedent to the granting of renewal of an operator's license or to the termination of the suspension thereof the written certificate of an insurer duly authorized to transact business within the state or residence of the person applying for such license or seeking to terminate the suspension thereof that it has issued to him or for his benefit a motor vehicle operator's policy or a motor vehicle liability policy which at the date of the certificate is in full force and effect and will so continue until the expiration of fifteen days after notice of expiration or cancellation shall first have been given to the secretary in writing Provided That if any person who is required to prove financial responsibility was upon the omission or the commission of the act upon which such requirement of financial responsibility is based a chauffeur or motor vehicle operator however designated in the employ of an owner of a motor vehicle or a member of the immediate family in the household of an owner of a motor vehicle and that there was not at the time that the requirement of proof of financial responsibility arose or is not subsequent thereto any motor vehicle registered in this Commonwealth (or if a nonresident in the state of his residence) in the name of the person required to establish proof of financial responsibility then and in that event if the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages according to the provisions of this act which proof the secretary shall accept such chauffeur or other person as aforesaid shall be relieved of the necessity of giving such proof in his own behalf so long as such chauffeur or other person is operating a motor vehicle for which the owner has written proof of his ability to respond in damages and so long as such proof remains in effect

(b) When proof of financial responsibility is required of an owner of a motor vehicle as a condition precedent to the registration thereof or to the termination of the suspension of such registration the written certificate of an insurer duly authorized to transact business within the state of residence of the person applying for such registration or for the termination of the suspension thereof that it has issued to him or for his benefit a motor vehicle liability policy which at the date of the certificate is in full force and ecect and will so continue until the expiration of fifteen days after notice of expiration or cancellation shall first have been given to the secretary in writing The secretary shall not accept any such certificate unless all motor vehicles registered in the name of the owner from whom proof is required are covered by the policies mentioned in such certificate or in it and other similar certificates furnished at the same time and an additional certificate shall be required as a condition precedent to the registration in the name of such owner of any motor vehicle not covered by the certificate or certificates on file

(c) In any case a bond conditioned for the payment of the amounts herein required for injury to or the death of persons and damage to property arising out of the ownership maintenance use or operation by the principal of a motor vehicle within the continental limits of the United States of America or the Dominion of Canada having as surety a corporation duly authorized to transact a surety business within the state of residence of the person applying for an operator's license the registration of a motor vehicle or the termination of the suspension of such license or registration Any such bond shall expressly provide that it shall not be cancellable until the expiration of fifteen days' written notice to the secretary and shall designate the State as obligee but shall expressly provide that suit may be brought against the principal or surety named therein by any person or persons who may have a cause of action against the principal obligor for damages resulting from a motor vehicle accident in the event that the principal obligor does not within fifteen days from the time the judgment becomes final pay within the limits hereinbefore specified any final judgment entered against him for damages substained as the result of such accident

(d) In any case the deposit with the secretary of the sum of eleven thousand dollars ($11,000) in cash which the secretary shall turn over to the State Treasurer as custodian and which the secretary shall employ in paying within limits hereinbefore specied any final judgment or judgments which may be entered against the depositor for injury to or death of persons and damage to property arising out of the ownership maintenance use or operation by the depositor subsequent to the date of the deposit of a motor vehicle within the continental limits of the United States of America or the Dominion of Canada Interest on money deposited hereunder shall be paid to the depositor at the highest rate which the State receives on its deposits payment to be made out of moneys from time to time appropriated for the purpose

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend page 6, section 2, line 3 to 23 inclusive by striking out the words: "provided That if any person" in line 3, all of lines 4 to 25 inclusive.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows:

Section 6 Insurance Policies Must Contain Certain Provisions to Constitute Proof of Financial Responsibility Binders Endorsements Insurance policies in order to constitute proof of financial responsibility under this act shall be subject to the provisions hereinafter stated and any insurance carrier which executes a certificate that it has issued a motor vehicle operator's policy or a motor vehicle liability policy for the purpose of enabling any person to furnish proof of financial responsibility hereunder shall be conclusively presumed to have issued the policy

mentioned in such certificate subject to such provisions whether or not they are set forth therein

(a) Should an execution on a final judgment against the insured in an action covered by a motor vehicle operator's policy or motor vehicle liability policy be returned unsatisfied the judgment creditor shall have a right of action against the insurer to the same extent that the insured would have had such insured paid such final judgment No such policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after such loss or damage has occurred and any such cancellation or annullment shall be void The policy may provide that the insured or any other person covered by the policy shall reimburse the insurer for payments made on account of any accident claim or suit involving a breach of the terms provisions or conditions of the policy and further if the policy shall provide for limits in excess of the limits designated in this act the insurer may plead against a judgment creditor of the insured with respect to the amount of such excess limits of liability and defenses which it may be entitled to plead against the insured Any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance

(b) The policy the written application therefor if any and any rider or endorsement which shall not conflict with the provisions of this act shall constitute the entire contract between the parties

(c) The insurer shall upon the request of the insured deliver to the insured for filing or at the request of the insured shall file direct with the secretary an appropriate certificate for the purpose of furnishing proof of the assured's financial responsibility as provided by this act

(d) Any insurer authorized to issue motor vehicle operator's policies or motor vehicle liability policies as provided in this act may pending the issuance of such a policy execute an agreement to be known as a binder or may in lieu of such policy issue an endorsement to an existing policy each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy The provisions of this section shall apply to such binders and endorsements

(e) The department may accept several policies or certificates of one or more insurers which together meet the requirements of this act

(f) This act shall not be construed to prevent any insurance carrier from getting any lawful coverage in excess of or in addition to the coverage required by this act as proof of financial responsibility or from embodying in such policy any agreements provisions or stipulations not contrary to the provisions of this act and not otherwise unlawful

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend page 10, section 6, lines 24 to 26 inclusive by striking out: "all of said lines." amend page 10, section 6, lines 27 by striking out the letter (f) and insert in lieu thereof (e)

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh section of the bill was read as follows and agreed to:

Section 7 Proof of Financial Responsibility Required When Operator's License or Operating Privilege Has Been Revoked or Suspended or Become Subject to Revocation or Suspension Whenever the secretary shall revoke or suspend [an] the operators license of a resident or shall suspend the operating privilege of a non-resident [for violation of the laws regulating the operation of motor vehicles on the highways as may now or hereafter be provided by law] under the mandatory provisions of any law now in effect or hereafter enacted such license or operating privilege shall not be renewed unless and until the former holder of the license or privilege has furnished proof of financial responsibility and whenever the secretary shall in the exercise of his discretion revoke or suspend the operator's license of a resident or the operating privilege of a non-resident or whenever the secretary [for any such violation] has the right in his discretion to revoke or suspend an operator's license of a resident or the operating privilege of a nonresident but is disposed in the exercise of his discretion not to do so [he may nevertheless suspend such license or operating privilege until the holder thereof has furnished proof of financial responsibility] he may require the former holder of the license or operating privilege to furnish proof of financial responsibility before such license or operating privilege shall be renewed or reinstated or continued

The eighth section of the bill was read as follows:

Section 8 Proof of Financial Responsibility Required as Condition Precedent to Issuance or Renewal of Operators' Licenses to Persons Having Certain Accident Record Penalty (a) Until proof of financial responsibility has been furnished to the secretary an operator's license shall not be issued or renewed to a person who within the twelve months' period next preceding such person's application therefor while operating a motor vehicle either within or outside of this State had [two] one or more accidents caused wholly or partially by his negligence which caused injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by such person amounting in the aggregate to more than [two] one hundred dollars [($200)] ($100) except as otherwise provided in section twenty-five The amount of damages caused by accidents in which the applicant was involved will be deemed to have been the amounts paid in settlement of claims of other persons if all such claims have been settled and if such claims have not been paid then the amounts claimed by persons injured and by the persons entitled to recover for the death of persons killed and by the owners of property damaged

(b) For the purposes of this section the happening of an accident while a person is operating a motor vehicle shall be prima facie evidence that it was caused wholly or partly by such person's negligence but the secretary may upon application of such person conduct an inquiry into the circumstances under which the accident occurred and thereupon find that the accident occurred without any negligence on the part of such person Damages may be deemed to be claimed only if the defendant has received a notification of the amount of damages claimed from the person injured the person entitled to recover for the death of the person killed or the owner of property damaged which notification shall be subscribed to and verified by the oath or affirmation of such person and a copy of the receipted bill or a copy of the bill rendered or a copy of the estimate of the probable cost prepared by a qualified person and subscribed to and verified by oath or affirmation of the person acknowledging payment rendering the bill or preparing the estimate

(c) [The secretary's findings] Such notification shall not be admissible in evidence in any court proceeding for damages instituted either by or against such person or in any criminal proceeding arising out of such accident

(d) Any person making a misstatement of fact in notification required under subsection (b) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year or by a fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend Sec. 8, page 12, line 8, by striking out the word "the" and insert in lieu thereof S "an"; Amend Sec. 8, page 12, line 9,

by striking out the words S "next preceding such person's application there"; Amend Sec. 8, page 12, line 10, by striking out the word S "for"; Amend Sec. 8, page 12, lines 16 and 17 by striking out the words "except as otherwise provided" in line 16, and "in section twenty-five" in line 17, inserting in lieu thereof S "except that where an operator by his negligence has caused one (1) or more accidents within any twelve (12) months period resulting in injury to persons or damage to properly excluding injury to himself and damage to motor vehicles operated by himself mauonting in the aggregate to more than one hundred ($100) dollars and such operator or other person or insurer has paid all the claims arising from such accidents then such aperator shall be exempt from the provisions of this section"; Amend Sec. 8, page 12, line 20, by inserting after the word "persons" the following S "or judgments obtained by such other persons"; Amend Sec. 8, page 12, lines 20 to 29, inclusive, by striking out the words: S "if all such claims have been" in line 20, and all of lines 21 to 29 inclusive; Amend Sec. 8, page 13, lines 1 to 24, inclusive, by striking out S all of said lines.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The tenth section of the bill was read as follows and agreed to:

Section 10 Penalty for Failure to Furnish Correct Accident Record Any person who [knowingly] fails to give correctly the information required of him by the secretary in connection with an application for the issuance or re-renewal of an operator's license shall be ineligible to operate a motor vehicle within this State for a period of two years from the date when the secretary ascertains that the information was not correctly given If such person at that date holds an operator's license it shall forthwith be revoked and shall not be renewed under any circumstances until the two-year period has expired If such person does not hold an operator's license such license shall not be issued to him until the expiration of the two-year period Upon the expiration of the two-year period such person shall not receive an operator's license until he has furnished proof of financial responsibility

The eleventh section of the bill was read as follows:

Section 11 Proof of Financial Responsibility Required of Persons Who Fail to Satisfy Judgments Arising Out of Motor Vehicle Accidents Operator's License and Registration Certificates to Be Suspended Until Satisfaction of Judgment If within fifteen days after it becomes final any person fails to satisfy any judgment rendered against him by a court of competent jurisdiction in this or any other State or the District of Columbia or any province of the Dominion of Canada or by a District Court of the United States for damages on account of personal injury or of damage to property [in excess of two hundred dollars ($200)] resulting from the operation subsequent to the effective date of this act by him his agent or any other person with his express or implied consent of a motor vehicle owned by him or the operation by him or his agent of a motor vehicle not owned by him his operator's license and all of his registration certicates shall be forthwith suspended by the secretary upon receiving a certified copy of such final judgment from the court in which the same was rendered and shall remain suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents

If such person is not a resident of this State he shall not be permitted to operate any motor vehicle in this State and it shall not be lawful for any other person knowing that such operation is not permitted to operate in this State any motor vehicle owned by such nonresident while such judgment remains unsatisfied and subsisting and until such nonresident has furnished proof of financial responsibility for future accidents

If any such person has satisfied such judgment within the meaning of this act and has furnished proof of financial responsibility any other such judgment shall be recovered against him for any accident occurring before such proof was furnished his operator's license and registration certificates shall again be and remain suspended while such other judgment remains unsatisfied and subsisting

Mr. HALUSKA. Mr. President, I move to amend page 14, section 11, line 16 by striking out the word "fifteen" and insert in lieu thereof "twenty"; amend page 14, section 11, line 16 by striking out the words "becomes final" and insert in lieu thereof "has been recorded"; amend page 14, section 11, line 22, remove the light bracket in front of the word "in" and insert before the word "two"; amend page 14, section 11, line 22, by inserting before the word "two" the following: "Five Dollars and thirty-three cents ($5.33).

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The thirteenth section of the bill was read as follows and agreed to.

Section 13 Courts to Certify Motor Vehicle Accident Judgments to Secretary of Revenue Secretary to Forward Certificates to Proper Officer of Other State if Debtor Is Nonresident Penalty (a) It shall be the duty of the prothonotary or clerk of any court of the State in which any judgment for damages resulting from the operation of a motor vehicle is rendered to forward immediately to the secretary a certified copy of such judgment or a transcript thereof and the address of the judgment debtor

(b) In the event the defendant is a nonresident it shall be the duty of the secretary to transmit to the Commissioner of Motor Vehicles or other proper officer of the state of which the defendant is a resident a certified copy of such judgment

(c) Any person who violates any of the provisions of subsection (a) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) and not more than five hundred dollars ($500) or by imprisonment of not less than six (6) months and not more than three (3) years or both in the discretion of the court

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend page 16, section 13, line 1 by inserting between the words "judgment" and "debtor" the following: "creditor and"

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifteenth section of the bill was read as follows:

Section 15 Suspension of Operator's License or Registration Certificates upon Cancellation of Insurance or Surety Bond Whenever the secretary is notified of the cancellation of [a] any policy of insurance mentioned in a certificate furnished as evidence of ability to respond in damages or of a policy of insurance exempting a person from the operation of certain provisions of this act or of a surety bond furnished as such evidence he shall forthwith suspend the operator's license and registration certificates if any in connection with the issuance continuance or renewal of which such evidence was furnished or policy of insurance continued and such cancellation shall remain effective until other proof of financial responsibility has been furnished to the secretary

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend page 16, section 15, line 19 by striking out the word "or"; amend page 16, section 15, line 20 by striking out: "all of said line"; amend page 16, section 15, line 21 by striking out the words: "operation of certain provisions of this act"

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

Will the Senate agree to the section as amended?

It was agreed to.

The sixteenth to the twenty-third sections inclusive of the bill were read as follows and agreed to.

Section 16 Proof of Financial Responsibility Once Required to Be Maintained (a) Whenever in accordance with the provisions of this act a person has furnished proof of financial responsibility for the purpose of obtaining an operator's license or the registration of a motor vehicle owned by him it shall be obligatory upon such person thereafter to maintain such proof until he shall have been relieved by the secretary of the duty of maintaining such proof as hereinafter provided and in the event had such proof lapses or becomes diminished in security or amount it shall be the duty of the secretary to suspend the operator's license and certificates if any in connection with which such proof was furnished until proof sufficient in amount has again been furnished

(b) The secretary may relieve a person [who has previously been required to furnish proof of financial responsibility] of the duty of maintaining or furnishing such proof at any time after three years shall have elapsed since such proof was first required or furnished if during the three years' period immediately preceding such person shall not have committed any violation of the [laws regulating the operation of motor vehicles on the highways] law because of which the secretary revoked or suspended or would have had the right to revoke or suspend such persons' operator's license and if within said three years' period such person shall not have had while operating a motor vehicle either within or outside of this State [two] one or more accidents caused wholly or partially by his negligence which resulted in injury to persons or damage to property excluding motor vehicles operated by such person amounting in the aggregate to more than [two] one hundred dollars [($200.00)] ($100.00) and if there shall not be any pending claim or unsatisfied judgment against such person for damages resulting from the operation or ownership of a motor vehicle by such person during the three years' period

Section 17 Penalty for Operating Motor Vehicle [Contrary to Provisions of this Act] After Suspension or Before Reinstatement of Operator's License or Operating Privilege Any person who operates a motor vehicle within this State after his operator's license or operating privilege has been suspended or withdrawn [under the provisions of this act and while such license remains suspended] and before such license or privilege has been reinstated and any person a nonresident of this State who operates a motor vehicle within this State [contrary to the provisions of this act] after his operating privilege has been suspended or withdrawn and before such operating privilege has been reinstated shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one (1) year or by fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

Section 2 That after section twenty-one of the said act the following new sections are hereby added

Section 22 Payment of Judgment in Installments A judgment debtor to whom this act applies may for the sole purpose of giving authority to the secretary to authorize the judgment debtor to operate a motor vehicle thereafter on due notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments and the court in its discretion and without prejudice to any other legal remedies which the judgment creditor may have may so order fixing the amounts and times of payment of the installments While the judgment debtor is not in default in the payment of such installments the secretary upon his giving proof of ability to respond in damages for future accidents as hereinbefore provided may in his discretion restore or refrain from suspending his license and registration certificates but such license and certificates shall be suspended as hereinbefore provided if and when the secretary is satisfied that the judgment debtor has failed to comply with the terms of the court order

Section 23 Rates of Premium Shall be Uniform Penalty No insurer or corporate surety company or agent or officer thereof on its behalf shall because of the race or color of any person refuse to issue or execute a policy of insurance or bond establishing the financial responsibility of such person as required in this act and no insurer or corporate surety company or agent or officer thereof on its behalf shall because of the color or race of any person charge or receive from such person otherwise in the same risk classification a premium for a policy of insurance or bond at a rate in excess of the rate charged any other person

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200.00) or shall undergo imprisonment for not more than one (1) year or both in the discretion of the court

The twenty-fourth section of the bill was read as follows:

Section 24 Restrictions to Be Stated on Operator's Card Removal of Restrictions (a) When a motor vehicle liability policy of insurance has been furnished as compliance with the requirements of proof of financial responsibility as prescribed in this act and such liability policy extends only to designated vehicles the operator shall surrender his operator's card to the secretary and the secretary shall designate the limitations as set forth in the policy of insurance upon the operator's license card of the person whose operator's privilege is so limited and return such card to the operator

(b) In the event a person establishes proof of financial responsibility by means of a motor vehicle liability policy of insurance and during the time that such proof is required to be maintained desires to be relieved of the limitations prescribed in the policy and be permitted to operate any motor vehicle he may have such restrictions removed upon filing a certificate of the insurer showing that there has been issued to him a motor vehicle operator's policy

(c) Any person who has furnished a motor vehicle liability policy of insurance or who has retained or received an operator's license under a motor vehicle liability policy of insurance and who operates in this Commonwealth any vehicle not covered by such insurance shall be

guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend page 20, section 24, line 8, by inserting between the words "a" and "motor" the following: "certificate of a"; amend page 20, section 24, line 8, by inserting between the words "restrictions" and "(a)" the following: "Penalty"; amend page 20, section 24, lines 14 and 15 by striking out the words "the limitations as set forth in the" in line 14, and "policy of insurance" in line 15, inserting in lieu thereof "by explicit description or appropriate reference the vehicle described or identified in such certificate of motor vehicle liability policy"; amend page 20, section 24, line 27, by striking out the word "any" and insert in lieu thereof "no"; amend page 20, section 24, line 28 by inserting between the words "or" and "who" the following "on whose behalf a certificate of Motor Vehicle Liability Policy of Insurance has been furnished as compliance with the requirements of this act or"; amend page 21, section 24, line 1 by striking out the words 'and who operates" and insert in lieu thereof "shall operate"; amend page 21, section 24, line 2 by inserting between the words "insurance" and "shall" the following "or shall operate a motor vehicle without having in his possession his operator's card designating by explicit description or appropriate reference such vehicle"; amend page 21, section 24, line 2 by striking out the words "shall be"; amend page 21, section 24, lines 3, 4, 5, and 6 by striking out "all of said lines."

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twenty-fifth section of the bill was read as follows:

Section 25 Exemption of Certain Persons Already Insured (a) Any person who is insured not under the provisions of this act in an amount sufficient to pay all outstanding claims arising out of the operation of a motor vehicle at the time of the omission or the commission of an act which would allow or require the secretary to demand proof of such person's financial responsibility as a condition precedent to the granting or renewal of an operator's license or to the termination of the suspension thereof against loss from the liability imposed by law upon the insured for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or of his employes or other agents arising out of the operation by the insured of any motor vehicle within the continental limits of the United States of America or the Dominion of Canada shall be exempt from the provisions of this act excepting the provisions of section fifteen so long as such insurance shall remain in effect upon presenting to the secretary the certificate of the insurer certifying that the insurance complies with the requirements of this section and that the insurance is in the amount prescribed in this act and that such policy of insurance shall not be cancellable until the expiration of fifteen (15) days' written notice to the secretary

(b) Any person who at the time of the omission or the commission of any act which would allow or require the secretary to demand proof of such person's financial responsibility as a condition precedent to the granting or renewal of an operator's license or to the termination of the suspension thereof was a chauffeur or motor vehicle operator however designated in the employ of an owner of a motor vehicle or a member of the immediate family or household of an owner of a motor vehicle and that there was not at the time that the requirement of proof of financial responsibility arose or is not subsequent thereto any motor vehicle registered in this Commonwealth (or if a nonresident in the state of his residence) in the name of the person required to establish proof of financial responsibility and the owner of such vehicle is insured under a motor vehicle liability policy and not under the provisions of this act in an amount sufficient to pay all outstanding claims against loss from the liability imposed by la wupon the insured for injury to or death of any person other than the insured and such persons as may by law upon the insured for injury to or death of any workmen's compensation law and for damage to property other than the property of others in charge of the insured or of his employes or other agents arising out of the operation by employes of any member of the family in the household of the insured of any motor vehicle within the continental limits of the United States of America or the Dominion of Canada shall be exempt from the provisions of this act excepting the provisions of section fifteen and section twenty-four so long as such insurance shall remain in effect upon presenting to the secretary the certificate of the insurer certifying the vehicles to which the insurance applies and certifying that the insurance complies with the requirements of this section that the insurance is in the amount prescribed in this act and that such insurance shall not be cancelable until the expiration of fifteen (15) days' written notice to the secretary and upon presenting to the secretary the operator's card upon which the limitations of such operator's license shall be stated

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend page 21, section 5, lines 7 to 29 inclusive, by striking out all of said lines and insert in lieu thereof "(d)" Whenever a Motor Vehicle Liability Policy for any vehicle explicitly described or identified by appropriate reference on an operator's card is cancelled or lapses such operator shall immediately return the operator's card to the Secretary and notify the Secretary of such cancellation or lapse and such operator shall not operate any vehicle on the highways of this Commonwealth until he has received from the Department a corrected operator's card. (e) No person, who is an owner of or in possession or control of a vehicle shall permit or direct any other person required to establish proof of financial responsibility to operate such vehicle in violation of any of the provisions of this act. Penalty: Any person who violates any of the provisions of subsections (a), (c), (d) or (e) of this section, shall, be guilty of a misdemeanor, and, upon conviction thereof shall be punished by imprisonment for not more than one (1) year, or by a fine not exceeding one thousand ($1,000) dollars or both, in the discretion of the court. Amend page 22, section 25, lines 1 to 29 inclusive by striking out "all of said lines"; amend page 23, section 25, lines 1 to 14 inclusive by striking out "all of said lines."

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twenty-sixth section of the bill was read as follows:

Section 26 Reports Required of Insurance Companies Penalty (a) An executive officer of every insurer engaging in the business of writing insurance in this Commonwealth against automobile liability automobile property damage and automobile collision insurance risks in this Commonwealth shall within ten (10) days of paying any claim or judgment against an insured resident of this Commonwealth notify under oath or affirmation the secretary of the name and address of the insured and the amount of the claim or judgment that was paid

(b) Every insurer engaging in the business of writing insurance against automobile liability automobile property damage and automobie collision insurance risks in this Commonwealth shall under oath or affirmation on a form and in a manner prescribed by the secretary on or before the thirty-first day of every January notify the secretary of

1 The number of commerical vehicles and non-commerical vehicles registered in this Commonwealth in the previous calendar year for which policies of automobile insurance have been issued

2 The number of commercial vehicles and non-commerical vehicles for which policies of automobile insurance have been issued under the provisions of this act and the number of applications for such insurance that have been refused in the previous calendar year

Any insurer or an executive officer thereof who fails to comply with any of the provisions of this section or who makes a misstatements of fact shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

Section 3 That sections twenty-two twenty-three twenty-four twenty-five and twenty-six of the said act are hereby amended to read as follows

Mr. HALUSKA. Mr. President, I move to amend page 23, section 26, line 15 by striking out the numeral "26" and inserting in lieu thereof "25"; amend page 23, section 26, line 16 by striking out the words: "an executive officer of"; amend page 23, section 26, line 24 by inserting after the word "paid" the following: "and whether the insurance was issued under the provisions of this act."; amend page 23, section 26, line 27 by striking out the word "and" and insert in lieu thereof the following: "or"; amend page 24, section 26, line 1 by striking out the words "the thirty-first day of every January" and inserting in lieu thereof: "the first day of every March"; amend page 24, section 26, line 11 by inserting after the word "year" the following: "together with the name and address of the applicant for such insurance"; amend page 24, section 26, by inserting between lines 11 and 12 the following: "(c) Every insurer engaging in the business of writing insurance against automobile liability, automobile property damage or automobile collision insurance risks in this Commonwealth shall require each of its brokers or agents or representatives in this Commonwealth, and it shall be the duty of such brokers. agents or representatives. upon refusing to accept an application for automobile insurance of any person required to establish proof of financial responsibility. to notify the insurer immediately of the name and address of such person."; amend page 24, section 26, line 12 by striking out the words "or an executive officer thereof"; amend page 24, section 26, line 15 and 16 by inserting cut the word "punished" in line 15, and all of line 16, inserting in lieu thereof the following: "sentenced to pay"; amend page 24, section 26, lines 17 and 18 by striking out the words "or both" in line 17 and all of line 18.; amend page 24, section 26, by inserting between lines 18 and 19 the following: "Any broker, agent or representative in this Commonwealth of an insurer engaging in the business of writing insurance against automobile liability, automobile property damage or automobile collision risks in this Commonwealth who violates any of the provisions of sub-section (c) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment or not more than ten (10) days."; amend page 24, section 26 by inserting between lines 21 and 22 the following: "Section 26. The Secretary shall have the authority to make regulations not inconsistent with this act or the efficient administration and enforcement of this act."

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twenty-seventh to the thirty-first sections inclusive of the bill was read as follows and agreed to:

Section [22] 27 Constitutionality If any provisions of this act or the application thereto to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section [23] 28 Uniformity of Interpretation This act shall be so interpreted and construed as to affectuate its general purpose to make uniform the law of those states which enact it

Section [24] 29 Short Title This act may be cited as the "Uniform Automobile Liability Security Act"

Section [25] 30 Repeal All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed

Section [26] 31 Time of Taking Effect This act shall take effect on January first one thousand nine hundred and thirty-four

The title of the bill was read as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by further requiring operators and owners of automobiles under certain circumstances to furnish proof of financial resonsibility and further regulating insurance policies which may be acepted as proof of financial responsibility imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth providing for the payment of judgments in installments prescribing additional penalties and adding new sections

On the question,

Will the Senate agree to the title?

Mr. HALUSKA. Mr. President, I move to amend page 2, in the title, in the second line from the top of the page

by inserting between the words "Commonwealth" and "providing" the following: "imposing further duties upon owners and operators of vehicles, providing exceptions imposing duties upon insurers and upon brokers agents or representatives of insurers."; amend line 18 of the title by striking out the word 'acepted" and insert in lieu thereof "accepted"

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. RUPP. Mr. President, I ask unanimous consent that Senate Bill No. 769 on second reading, entitled:

An Act to amend the title and the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act

and Senate Bill No. 770 on second reading, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

go over in their order.

The PRESIDENT. Is there objection?

Mr. McGINNIS. Mr. President, I object, if these bills are to receive the approval of this body, and the House, they will have to move.

Mr. RUPP. Mr. President, I withdraw my request.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 769, as follows:

An Act to amend the title and the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and of fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" is hereby amended to read as follows

AN ACT

Providing for a system of recording the identification of persons convicted of crime and of fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania [State] Motor Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties

Section 2 That sections one two three four five and six of said act are hereby amended to read as follows

Section 1 From and after the passage of this act the Pennsylvania [State] Motor Police shall continue to procure and file for record photographs pictures descriptions finger prints and such other information as may be pertinent of all persons who have been or may hereafter be convicted of crime within this Commonwealth and also of all well-known and habitual criminals wherever they may be procured

Section 2 It shall be the duty of the persons in charge of any State penal institution or of any jail prison or workhouse within this Commonwealth to furnish to the Pennsylvania [State] Motor Police upon request the finger prints photographs and description of any person detained in such institution jail prison or workhouse

Section 3 The Pennsylvania [State] Motor Police the persons in charge of State penal institutions the wardens or keepers of jails prisons and workhouses within this Commonwealth and all police officers within the several political subdivisions of this Commonwealth shall have the authority to take or cause to be taken the finger prints or photographs of any person in custody charged with the commission of crime or who they have reason to believe is a fugitive from justice or a habitual criminal and it shall be the duty of the chiefs of bureaus of all cities within this Commonwealth to furnish daily to the Pennsylvania [State] Motor Police copies of the finger prints and if possible photographs of all persons arrested within their jurisdiction charged with the commission of felony or who they have reason to believe are fugitives from justice or habitual criminals such finger prints to be taken on forms furnished or approved by the Pennsylvania [State] Motor Police It shall be the duty of the Pennsylvania [State] Motor Police immediately upon the receipt of such records to compare them with those already in their files and if they find that any person arrested has a previous criminal record or is a fugitive from justice forthwith to inform the arresting officer or the officer having the prisoner in charge of such fact

Section 4 It shall be the duty of the Pennsylvania [State] Motor Police to cooperate with agencies of other States and of the United States having similar powers to develop and carry on a complete interstate national and international system of criminal identication and investigation and also to furnish upon request any information in its possession concerning any person charged with crime to any court district attorney or police officer of this Commonwealth or of another state or of the United States

Section 5 (a) The district attorneys of the several counties are hereby authorized and empowered from time to time to employ the services of experts on fingerprints

to assist them in the investigation of pending cases and to testify upon the trial thereof The compensation of any such expert shall be fixed by the district attorney employing him with the approval of the court of quarter sessions and shall be paid from the county treasury upon warrant of the county commissioners in the usual manner

(b) The district attorney of any county the warden or keeper of the county jail or any expert employed by the district attorney or any other person designated by the district attorney shall have the power upon the written order of the district attorney to take the finger prints of any person confined in the county jail of such county for use in the identication of the prisoner or upon his trial

(c) The district attorneys of the several counties shall keep and arrange files of the finger prints taken under the provisions of this act of persons convicted of crime and shall destroy the finger prints of all persons acquitted The files of finger prints maintained by the district attorneys shall be open to the inspection of any other district attorney of this Commonwealth or their representatives of the Pennsylvania [State] Motor Police or any sheriff or police or peace officer

(d) District attorneys shall not be authorized to take finger prints under this section of persons arrested for misdemeanors unless the district attorneys have reason to believe that such persons are old offenders against the penal laws of this Commonwealth

Section 6 Neglect or refusal of any person mentioned in this act to make the report required herein or to do or perform any other act on his part to be done or performed in connection with the operation of this act shall constitute a misdemeanor and such person shall upon conviction thereof be punished by a fine of not less than five nor more than twenty-five dollars or by imprisonment in the county jail for a period of not exceeding thirty days or by both in the discretion of the court Such neglect or refusal shall also constitute malfeasance in office and subject such person to removal from office Any person who removes destroyes or mutilates any of the records of the Pennsylvania [State] Motor Police or of any district attorney shall be guilty of a misdemeanor and such person shall upon conviction thereof be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period of not exceeding one year or by both in the discretion of the court

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 770, as follows:

An Act to re-enact and amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the first of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended are hereby re-enacted amended or further amended as the case may be as follows

An Act appropriating the moneys in the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all moneys now in the Motor License Fund in the State Treasury and all moneys which may hereafter be paid into the Motor License Fund be and the same are hereby appropriated as hereinafter provided

Section 2 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the following purposes

(a) For sinking fund requirements and interest on outstanding bonds of this Commonwealth issued for the purpose of improving and rebuilding the highways of the Commonwealth the acquisition of toll bridges and for the payment of the compensation to the Commonwealth's loan and transfer agent for services rendered in connection with the registration transfer and payment of interest on said bonds and for other services required to be performed by such loan and transfer agent Payments to the Board of Finance and Revenue under this clause shall be made at such times and in such amounts as shall from time to time be provided by law but should the General Assembly at any time fail to enact legislation supplemental to this act payments shall from time to time be made hereunder upon the requisition of the Board of Finance and Revenue approved by the State Treasurer

(b) For the payment of approved claims for refund made to the board for moneys paid into the Motor License Fund to which the Commonwealth is not rightfully entitled

Section 3 As much of the money from time to time in the Motor License Fund as may be necesary is hereby appropriated to the Department of Revenue for administering and enforcing the laws rules or regulations relating to the operation of aircraft landing fields or intermediate landing fields and for the proper conduct of its work in titling and registering motor vehicles trailers and tractors licensing the operators of vehicles [and enforcing the laws regulating the registration titling and operation of vehicles upon the highways] and for the collection of liquid fuels taxes as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the Commissioner of Motor Vehicles or such other officer or officers of the department appointed by the secretary thereof to have charge of the foregoing activities of the department and such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts engineers draftsmen accountants secretaries auditors inspectors examiners statisticans clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required in the performance of the duties above mentioned and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

[(b) For the payment of the salaries wages or other compensation board lodging uniforms arms and equipment and their maintenance and traveling and other necessary expenses of State Highway Patrolmen Provided That the provisions of this clause shall not authorize any appropriation for such purposes to the Department of Revenue if the State Highway Patrol is by law placed under the administration of the State Police but said appropriation shall be available for like purposes to the State Police but not in excess of the amount limited by any other law] limited by any other law

[(c)] (b) For the purchase maintenance storage and repair of furniture furnishings stationery supplies materials equipment fuel motor vehicles aircraft and printing and binding and for the payment of premiums on policies of insurance covering motor vehicles or aircraft operated

by employes of the department and surety bonds for officers or employes of the department required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

[(d)] (e) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

[(e)] For the construction through the Department of Property and Supplies or the purchase and repair or maintenance of buildings for the use of the State Highway Patrol]

[(f) Through the Department of Property and Supplies to purchase or lease lands and to construct thereon highways and buildings suitable for the examination of applicants for operators' licenses or to purchase or lease lands for the use of the State Highway Patrol]

[(g)] (d) For the payment of rentals for branch buildings and repairs thereto

[(h)] (e) For the payment of transportation medical attendance and hospital charges of employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(f) For the payment of traveling expenses and witness fees in the amount of two ($2) dollars per capita per diem to witnesses testifying for the Commonwealth at hearings [and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except] [that no sum in excess of five ($5) dollars shall be paid to any physician for such an examination]

[(j)] (g) For the payment of expenses in connection with traffic safety educational work exhibits photography models and other exhibition or educational accessories and for all other expense of every kind and description necessary effectively to carry on this work

[(k)] (h) For the purchase of registration plates and any other expenses incidental thereto

[(l)] (i) For the payment of rewards for detection of fraud

[(m)] (j) For the purpose of purchasing and acquiring in the name of the Commonwealth of Pennsylvania air navigation facilities and intermediate landing field equipment through the Department of Property and Supplies as agent

[(n)] (k) For the purpose of installing conditioning improving equipping maintaining and operating any air navigation facilities intermediate landing field equipment beacon sites landing fields and intermediate landing fields leased or acquired by the Commonwealth and lands acquired within the Commonwealth suitable for landing fields intermediate landing fields beacon sites and air navigation facilities

[(o)] (l) For all other expenses of every kind and description necessary for the performance by the department of the aforsesaid work

[(n)] (m) For payment to the Department of the Auditor General of the cost incurred by the department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specifically the aforesaid affairs of the Department of Revenue at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine

[(o)] (n) For payment to the Treasury Department of the cost of making disbursements out of the Motor License Fund on behalf of the Department of Revenue in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

[(p)] (o) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Revenue in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

Section 4 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Pennsylvania Motor Police for the proper conduct of its work as provided by law as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the Commissioner of Pennsylvania Motor Police Deputy Commissioner of Pennsylvania Motor Police and such chiefs statisticians clerks experts and other assistants as may be required for the proper conduct of the work of the Pennsylvania Motor Police

(b) For the payment of the salaries wages or other compensation for the purchase of uniforms arms and equipment and for the maintenance and traveling and other necessary expenses of the Pennsylvania State Police Force and for medical attendance and hospital charges not covered by insurance for members of the Pennsylvania Motor Police Force injured in the line of duty

(c) For the purchase maintenance and repair of furniture furnishings stationery supplies material equipment fuel motor vehicles and printing and binding for the payment of premiums on policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the Pennsylvania Motor Police and for the payment of premiums on policies of insurance covering motor vehicles operated by employes of the Pennsylvania Motor Police and surety bonds for employes of the Pennsylvania Motor Police required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

(d) For the payment of postage telegrams telephone rentals and toll charges and rents or royalties upon leased office equipment or other devices or machines

(e) For the acquisition of land or buildings by purchase or lease through the Department of Property and Supplies the construction through such department of buildings and of the maintenance or repair of buildings and land for the use of the Pennsylvania Motor Police including land with highways and buildings thereon suitable for the examination of applicants for operators' licenses

(f) For the operation and maintenance of the Pennsylvania Motor Police Training School including any branches thereof

(g) For the payment of traveling expenses and witness fees in the amount of two ($2) dollars per capita per diem to witnesses testifying for the Commonwealth at hearings in connection with the work of the Pennsylvania Motor Police and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five ($5) dollars shall be paid to any physician for any such examination

(h) For the maintenance and operation of a radio broadcasting station or stations and for the purpose of installing operating and maintaining a teletype or other intercommunication system linking the central office of the Pennsylvania Motor Police and the offices of the various organized police forces of the cities boroughs and townships of the Commonwealth maintaining night offices and linking such central office with other states using similar systems which cooperate with Pennsylvania in broadcasting police information

(i) For the payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the affairs of the Pennsylvania Motor Police in such amounts as the Pennsylvania Motor Police with the approval of the Executive Board shall determine

(j) For payment to the Treasury Department for the cost of making disbursements out of the Motor License Fund on behalf of the Pennsylvania Motor Police in the performance of its work in such amounts as the Treasury Department with the approval of the Executive Board shall determine

(k) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Pennsylvania Motor Police in the performance of its work in such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

(l) For all other expenses of every kind and description necessary for the performance by the Pennsylvania Motor Police of its work

Section [4] 5 The remainder of the money from time to time in the Motor License Fund is hereby appropriated to the Department of Highways for the following purposes

(a) For the payment of the salaries wages or other compensation and the traveling and other necessary expenses of the Secretary of Highways such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required for the proper conduct of the work of the department and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

(b) For the purchase maintenance and repair of furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding and for the payment of premiums on policies of insurance covering motor vehicles operated by employes of the department and surety bonds for officers and employes of the department required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent except that the Department of Highways may purchase directly equipment materials and supplies necessary for the construction and repair of highways if such equipment materials or supplies are not on the schedule of the Department of Property and Supplies

(c) For the payment of rentals for branch buildings and repairs thereto

(d) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

(e) For maintaining reconstructing replacing and repairing or assisting in maintaining reconstructing replacing and repairing State highways State-aid highways and any other highways which the department may be authorized to maintain reconstruct replace and repair or assist in maintaining reconstructing replacing and repairing and of such bridges as the department may be authorized by law to maintain reconstruct replace and repair or to assist in maintaining reconstructing replacing and repairing

(f) For constructing and improving or assisting in constructing and improving State highways State-aid highways and any other highways or streets and any bridges which the department may be authorized by law to constructor improve or assist in constructing or improving but the moneys expended by the department under this clause for construction and improvement of highways without expense to the political subdivisions of the State shall be allocated among the several counties in such manner and to such an extent as shall from time to time be provided by law and in the absence of or beyond any such statutory direction shall be expended as the department shall determine and the moneys expended for State aid and upon city streets shall be expended to the extent to which such expenditures shall from time to time be authorized by law

(g) For the maintenance and repair of all interstate bridges over the Delaware River between the Commonwealth and the State of New Jersey now owned or to be acquired or constructed from Morrisville Bucks County to Milford Pike County and of interstate bridges between this Commonwealth and the State of New York now owned or which may hereafter be acquired or constructed

(h) For the payment of transportation medical attendance and hospital charges for employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or the dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(i) For purchasing acquiring and leasing lands in the name of the Commonwealth containing stone suitable for use in the construction improvement reconstruction replacement or maintenance of highways and to quarry and prepare the stone therein for use in the construction improvement reconstruction replacement and maintenance of highways to manufacture any other material used in the construction improvement reconstruction replacement or maintenance thereof whether for use by the department in the construction improvement reconstruction replacement or maintenance of highways or for selling the same to contractors engaged in such work or to political subdivisions of the State for the construction improvement reconstruction replacement and maintenance of roads as may now or hereafter be provided by law

(j) For the erection of such buildings and the purchase of such machinery as may be necessary or essential for the proper prosecution of the work of quarrying or manufacturing stone or materials for the construction improvement reconstruction replacement or maintenance of highways

(k) Subject to the approval of the Governor and of the Department of Property and Supplies for the purchase or acquisition of land in the name of the Commonwealth for the purpose of erecting thereon garages storage sheds laboratories or other buildings necessary in connection with the construction improvement reconstruction replacement or maintenance of highways and for the erection on land thus acquired of such garages storage sheds laboratories or other buildings

(l) To propagate or purchase trees shrubs vines or grasses for planting on or along the State highways and to maintain the same

(m) For the purchase installation and maintenance of signs and traffic signals on State highways

(n) For the payment of traveling expenses and witness fees in amount of two ($2) dollars per capita per diem to witness testifying for the Commonwealth

(o) For the payment of damages to property heretofore hereafter caused or occasioned in connection with the work of the department in the construction improvement maintenance and repair or in the preparation of materials for such purpose of roads highways or bridges under the jurisdiction of the department and for which the Commonwealth is responsibile for maintenance and attributed to negligence or carelessness on the part of the employes of the department not exceeding however the sum of twenty-five thousand ($25,000) dollars during any fiscal biennium All claims for damages to property payable hereunder shall be submitted to the Secretary of Highways in writing verified by affidavit and the secretary shall investigate the same and determine the amount to be paid if any subject to the approval of the Attorney General

(p) For all other expenses of every kind and description necessary effectively to carry on the work of the department as authorized by law

(q) For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the aforesaid affairs of the Department of Highways at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine

(r) For payment to the Treasury Department of the

cost of making disbursements out of the Motor License Fund on behalf of the Department of Highways in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

(s) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Highways in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

(t) For payment to the Department of Property and Supplies of the cost incurred by that department in making purchases of supplies equipment and materials for the Department of Highways as purchasing agent including salaries wages or other compensation of employes traveling expenses telephone toll charges telegrams newspapers advertising and notices and all other expenses necessary for the performance by the Department of Property and Supplies of the aforesaid duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

Section [5] 6 Stores of any nature whatsoever including quarried or manufactured products and in addition equipment rental charges for the use of equipment either owned or leased by the Department of Highways shall be considered charges against any special appropriations made to the Department of Highways for any purposes Transfer requisitions shall be submitted by the Department of Highways from time to time to adjust the balances of the appropriations in accordance with the actual cost of work performed excluding however overhead advertising engineering and inspection expenses Such transfer requisitions shall be audited by the Auditor General and State Treasurer and if found correct shall become adjusting entries on the books of the fiscal officers and of the Department of Highways

Section [6] 7 Estimates of the amounts to be expended from the Motor License Fund under this act or any other act from time to time by the Department of Revenue the Pennsylvania Motor Police and the Department of Highways respectively and by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys whatsoever out of the Motor License Fund by the Board of Finance and Revenue for refunds or by the Department of Revenue or by the Pennsylvania Motor Police or by the Department of Highways for any purpose whatsoever in excess of the estimates approved by the Governor any other act or acts heretofore enacted to the contrary notwithstanding

Subject to the foregoing provision the moneys in the Motor License Fund shall be paid out of the fund upon warrant of the Auditor General drawn after requisition by the Board of Finance and Revenue the Department of Revenue the Pennsylvania Motor Police or the Department of Highways as the case may be

Section [7] 8 The provisions of this act as far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

[Section 8 The provisions of this act shall become effective on June first one thousand nine hundred twenty-nine]

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 782, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by consolidating the Pennsylvania State Police and the State Highway Patrol and their powers and duties into one agency to be known as the Pennsylvania Motor Police and establishing as part of such agency a Motor Police Force and making provision for the number selection qualifications promotion training and discipline of the members of such force

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred one two hundred five two hundred seven two hundred eight five hundred seventeen seven hundred ten seven hundred eleven seven hundred twelve and two thousand five hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secreatry of Internal Affiairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania [State] Motor Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affiairs Department of Public Instruction Department of Military Affiairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry

Department of Welfare Department of Property and Supplies and Department of Revenue and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissioners and the Public Service Commission of the Commonwealth of Pennsylvania

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania [State] Motor Police

Section 205 Pennsylvania [State] Motor Police The Pennsylvania [State] Motor Police shall consist of a [superintendent] Commissioner a Deputy Commissioner the State police force and the State Highway Patrol as now [or hereafter] authorized by law which are hereby consolidated into one force to be known as the Motor Police Force and such [deputies] chiefs statisticians clerks experts and other assistants as the [superintendent] Commissioner with the approval of the Governor shall deem necessary for the work of the force

The [superintendent] Commissioner of the Pennsylvania [State] Motor Police shall receive a salary at the rate of [seven] eight thousand [five hundred] dollars per annum

[The State police force shall receive such compensation as is now or may hereafter be fixed by law]

The Deputy Commissioner of the Pennsylvania Motor Police shall be appointed by the Commissioner of Pennsylvania Motor Police with the approval of the Governor and shall receive a salary at the rate of seven thousand five hundred dollars per annum

The Motor Police Force shall consist of such number of officers and men and shall be organized in such manner as the Commissioner of Pennsylvania Motor Police with the approval of the Governor shall from time to time determine Provided however That the number of officers and men shall not exceed in the aggregate at any time one thousand six hundred persons

The [deputies] members of the Motor Police Force and the chiefs statisticians clerks experts and other assistants engaged in the work of the Pennsylvania [State] Motor Police shall be appointed by the [superintendent] Commissioner and shall receive such compensation as shall be fixed by the [superintendent] Commissioner with the approval of the Governor which compensation shall however conform to the standards established by the Executive Board

[The members of the State police force shall be appointed by the superintendent]

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the [Superintendent] Commissioner of the Pennsylvania [State] Motor Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 208 Terms of Office The terms of office of the persons appointed by the Governor under the preceding section shall be as follows

(a) The Secretary of the Commonwealth and the Attorney General shall serve during the pleasure of the Governor

(b) The term of the Superintendent of Public Instruction shall be four years

(c) Except as in this act otherwise provided the heads of other administrative departments the [Superintendent] Commissioner of the Pennsylvania [State] Motor Police the members of independent administrative boards and commissions of departmental administrative boards and commissions and of advisory boards and commissions and departmental administrative officers shall hold office for terms of four years from the third Tuesday of January next following the election of a Governor and until their successors shall have been appointed and qualified Providing That the [terms of any persons whose terms of office are fixed by this subsection who are] term of the Commissioner of the Pennsylvania Motor Police appointed prior to the third Tuesday of January one thousand nine hundred and [thirty-one] thirty-nine shall expire upon that date or as soon thereafter as [their successors] his successor shall have been appointed and qualified

Section 517 Administering Oaths The head of every administrative department all deputy heads of administrative departments every member of an independent administrative or departmental administrative board or commission the [Superintendent Commissioner of the Pennsylvania [State] Motor Police every workmen's compensation referee and such officers or employes of the several administrative departments boards or commissions as the heads of such departments or such boards or commissions shall designate shall have the power to administer oaths or affirmations anywhere in this Commonwealth with regard to any matter or thing which may properly come before such department board commission [superintendent] Commissioner or referee or any member of a board or commission as the case may be

Section 710 Pennsylvania [State] Motor Police The Pennsylvania [State] Motor Police shall have the power and its duty shall be

(a) Subject to any inconsistent provisions in this act contained to continue to exercise the powers and perform the duties by law vested in and imposed upon the Department of State Police the Pennsylvania State Police and the State Highway Patrol

(b) To assist the Governor in the administration and enforcement of the laws of the Commonwealth in such manner at such times and in such places as the Governor may from time to time request

(c) With the approval of the Governor to assist any administrative department board or commission of the State Government to enforce the laws applicable or appertaining to such department board or commission or any organization thereof

(d) Whenever possible to cooperate with counties and municipalities in the detection of crime the apprehension of criminals and the preservation of law and order throughout the State

(e) To aid in the enforcement of all laws relating to game fish forests and waters

(f) To collect and classify and keep at all times available complete information useful for the detection of crime and the identification and apprehension of criminals Such information shall be available for all police officers within the Commonwealth under such regulations as the [Superintendent] Commissioner of [State] Pennsylvania Motor Police may prescribe

(g) To enforce the laws regulating the use of the highways of this Commonwealth and to assist the Department of Revenue in the collection of motor license fees fees for titling vehicles and tractors operators' license fees and the tax on liquid fuels and the issuance of certificates of title and motor and operators' licenses

Section 711 [Superintendent] Commissioner of Pennsyl-

vania [State] Motor Police The [Superintendent] Commissioner of Pennsylvania [State] Motor Police shall be the head and executive officer of the Pennsylvania [State] Motor Police He shall provide for the members of the [police force] Motor Police Force suitable uniforms arms equipment and where it is deemed necessary horses or motor vehicles and make [such] rules and regulations subject to the approval of the Governor prescribing qualifications prerequisite to or retention of membership in the force for the enlistment training discipline and conduct of the members of the force for the selection and promotion of such members on the basis of merit for the filing and hearing of charges against such members and such other rules and regulations as are deemed necessary for the control and regulation of the [police force] Motor Police Force The Commissioner shall maintain a training school to be known as the Pennsylvania Motor Police Training School for the proper instruction of members of the Motor Police Force which shall be situated at such place or places as the Commissioner with the approval of the Governor may determine It shall also be the duty of the [superintendent] Commissioner to establish local headquarters in various places so as best to distribute the force through the various sections of the Commonwealth where they will be most efficient in carrying out the purposes of this or any other act to preserve the peace [and] prevent and detect crime and to police the highways

Section 712 The Pennsylvania [State] Motor Police Force The various members of the Pennsylvania [State] Motor Police are hereby authorized and empowered

(a) To make arrests without warrant for all violations of the law including laws regulating the use of the highways which they may witness and to serve and execute warrants issued by the proper local authorities They shall have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class and upon constables of the Commonwealth

(b) To act as game protectors and as forest fish or fire wardens and for the better performance of such duties

(1) Seize all guns boats decoys traps dogs game fish shooting paraphernalia or hunting or fishing appliances or devices used taken or had in possession contrary to the laws of this State Any Article so seized shall be held subject to such disposition as the Commissioner of Fisheries or the Secretary of the Board of Game Commissioners or the Secretary of Forests and Waters may respectively determine

(2) Seize and take possession of all birds animals or fish which have been taken caught or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to any law of this State

(3) Search without warrant any boat conveyance vehicle or receptacle when there is good reason to believe that any law has been violated the enforcement or administration of which is imposed on or vested in the Board of Fish Commissioners or the Board of Game Commissioners on in the Department of Forests and Waters

(4) Serve subpoenas issued for any examination investigation or trial had pursuant to any law as aforesaid

(5) Purchase game or fish for the purpose of securing evidence

Section 2502 [Enforcement of] Vehicle [Code] and Tractor Codes In [connection with] the collection of motor license fees fees for titling [automobiles] vehicles and tractors and operators' license fees and the issuance of certificates of title and motor and operators' licenses the Department of Revenue shall [enforce the laws regulating the use of vehicles on the highways of this Commonwealth] be entitled to such assistance from the Pennsylvania Motor Police as the department may deem necessary

The Secretary of Revenue may designate the person in charge of the work to which this section refers as the Commissioner of Motor Vehicles [and shall establish within his department for the purpose of assisting in the collection of fees the enforcement of the title provisions of the Vehicle Code and the laws regulating the use of the highways by vehicles a force to be known as the State Highway Patrol which shall consist of such number of officers and men and be organized trained and disciplined in such manner as the Secretary of Reveue with the approval of the Governor may determine]

Section 2 (a) All books papers maps charts plans records and equipment in the possession of the Pennsylvania State Police and the State Highway Patrol or any officer or member thereof shall upon the effective date of this act be delivered and turned over to the Pennsylvania Motor Police

(b) All officers and employes of the Pennsylvania State Police and the State Highway Patrol and all officers and other members of the State Police Force and the State Highway Patrol on the effective date of this act shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the Commissioner of Pennsylvania Motor Police Persons who upon the effective date of this act are connected with the Pennsylvania State Police or the State Highway Patrol shall retain all retirement rights that shall have accrued to them and their Police or the State Highway Patrol shall retain all rement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if
the Pennsylvania State Police and the State Highway Patrol had not been consolidated

(c) All pending proceedings and all investigatons begun by the Pennsylvania State Police and the State Highway Patrol or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force as if the Pennsylvania State Police and the State Highway Patrol had not been consolidated and may be completed by the Pennsylvania Motor Police

(d) Whenever the term "Pennsylvania State Police" or "State Police" or "State Highway Patrol" or "Highway Patrol" occurs in any law or whenever in any law reference is made to the same such term or reference shall be deemed to refer to and include the Pennsylvania Motor Police created by this act so far as such law pertains to such matters which are within the jurisdiction of such body

Section 3 All acts or parts of acts inconsistent with this act are hereby repealed

Section 4 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 784, as follows:

An Act to amend the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police and providing for the payment into the Motor License Fund of moneys received or collected under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved

the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" is hereby amended to read as follows

AN ACT

Authorizing the utilization of [the school of] the Pennsylvania [State] Motor Police Training School for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania [State] Motor Police and making an appropriation

Section 2 That sections one two and three of the said act are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania [State] Motor Police shall have the power and its duty shall be to conduct at the [State] Pennsylvania Motor Police Training School courses of instruction for the proper training of persons to act as policemen for the several political subdivisions of this Commonwealth Subject to the provisions of this act the [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police is hereby authorized to establish standards of proficiency training and discipline for persons attending such school and to issue certificates of qualification to graduates of the various courses of instruction The [superintendent] Commissioner with the approval of the Governor shall employ such instructors and other employes as may be necessary for the purposes of this act

Section 2 All persons desiring admission to such school for the purpose of instruction shall submit applications to the [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police bearing the recommendation of the mayor of any city or the chairman of the police committee of any city or borough council or the burgess of any borough or the sheriff or the district attorney of any county No application shall be considered unless such applicant

(a) Is a male citizen of the United States of America

(b) Has good moral character and good health

(c) Is at least five feet eight inches tall and weighs at least one hundred forty-five pounds

(d) Is a graduate of a public high school or has an education equivalent thereto

Section 3 The [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police shall establish and charge each student a fee sufficient to cover the cost of the board laundry and supplies applicable to such student Such fee shall be payable in advance in monthly installments but shall not exceed the sum of forty dollars ($40.00) per month

All moneys received or collected hereunder shall be paid into the [General Fund] Motor License Fund of the State Treasury through the Department of Revenue [and shall be added and credited to the current biennial maintenance appropriation to the Pennsylvania State Police and, shall be available and is hereby appropriated for the same purposes for which such current biennial appropriation is available]

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 886, as follows:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State police and the enforcement of its orders and prescribing penalties" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State police and defining their powers and duties providing for the investigation of the cause origin and circumstance of fires and the inspection of all and the removal or change of certain buildings duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State Police and the enforcement of its orders and prescribing penalties" is hereby amended to read as follows:

AN ACT

Relating to fires and fire prevention imposing duties and conferring powers upon the [State] Pennsylvania Motor Police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to [said State] the Pennsylvania Motor Police and defining their powers and duties providing for the investigation of the cause origin and circumstance of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the [said State] Pennsylvania Motor Police and the enforcement of its orders and prescribing penalties

Section 2 That sections one two three four five seven nine ten eleven twelve thirteen and fifteen of said act are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the [term "State Police" as used in this act means "The Pennsylvania State Police"]

[The Superintendent] Commissioner of the Pennsylvania [State] Motor Police may appoint and remove the chief of the fire department of any county city borough town or township where a fire department is established or where no such fire department exists the burgess or constable of any borough or town or constable or the president or chairman of the board of supervisors of any township as assistants to the department and when so appointed shall be subject to the obligations imposed by this act to the authority of the [State] Pennsylvania Motor Police

The [Superintendent] Commissioner of [State] Pennsylvania Motor Police may also appoint individual citizens as assistants to the [State] Pennsylvania Motor Police who

shall be subject to the obligation aforesaid and to the directions of [such State] the Pennsylvania Motor Police

The [State] Pennsylvania Motor Police may adopt and enforce rules and regulations governing the having using storage sale and keeping of gasoline naphtha kerosene or other substance of like character blasting powder gunpowder dynamite or any other inflammable or combustible chemical products or substances or materials The [State] Pennsylvania Motor Police may also adopt and enforce rules and regulations requiring the placing of fire-extinguishers in buildings

Section 2 Each of the aforesaid assistants shall inquire into the origin cause and other circumstances of every fire by which any property or life has been destroyed damaged or endangered accruing within the territorial limits of their respective cities boroughs towns or townships and shall make every effort to determine whether such fires were of incendiary origin or the result of design carelessness or accident

Upon the occurrence of any fire such assistant shall report the same to the [State] Pennsylvania Motor Police within five days after its occurrence If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation he shall immediately notify the [State] Pennsylvania Motor Police and shall when directed by the [State] Pennsylvania Motor Police assist in the making of such investigation The reports of any such fire shall be made in writing and in the manner and form prescribed by the [State] Pennsylvania Motor Police on the blanks furnished for that purpose Such reports shall in every case contain a statement of (a) All the facts relating to the cause of such fire that can be ascertained (b) the extent of the loss and damage to each property (c) the loss of life and personal injuries caused thereby or resulting therefrom (d) the amount of insurance upon each property destroyed or damaged and (e) such other information as may be required by the [State] Pennsylvania Motor Police

The assistant shall notify the [State] Pennsylvania Motor Police immediately by telephone or telegraphic message of not more than ten words of the occurrence of any incendiary fire

The duties hereinabove prescribed to be performed by the said assistant may be limited by the [State] Pennsylvania Motor Police so as to reasonably accord with their pre-existing public duties

Any of the aforesaid assistants who shall neglect or refuse to report to the [State] Pennsylvania Motor Police or who shall neglect or refuse to make reports or investigations of fires as provided in this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars or to undergo imprisonment not exceeding thirty days or both

Section 3 The [State] Pennsylvania Motor Police or its assistants upon the complaint of any person or whenever it or they shall deem it necessary shall inspect the buildings and premises within their jurisdiction Whenever any of the said officers shall find any buildings or structures which for want of repairs or by reason of age or dilapidated condition or accumulation of waste rubbish debris explosive or inflammable substance in any buildings or on premises constituting a fire menace or hazard or for any other cause making it especially liable to fire and endangering property and so situated as to endanger other property it or they shall order the same to be removed or remedied if the same is reasonably practicable thereby lessening the danger of fire Whenever such officer shall find in any building combustible or explosive matter or inflammable conditions which are in violation of any law or ordinance applicable thereto or are dangerous to the safety of such buildings thereby endanger other property it or they shall order the same to be removed or remedied and such order shall contain a notice that an appeal therefrom may be taken and shall forthwith be complied with by the owner or occupant of such premises or buildings If such order is made by any assistant to the [State] Pennsylvania Motor Police such owner or occupant may within five days appeal to the [State] Pennsylvania Motor Police which shall within ten days review such order and file its decision thereon and unless by its authority the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant Any owner or occupant who feels aggrieved by any order of the [State] Pennsylvania Motor Police or by any decision upholding or modifying any order of any of its assistants may within five days after the same has been made or filed by the [State] Pennsylvania Motor Police file his petition with the court of common pleas of the proper county praying a review of such order and it shall be the duty of the court to hear the same at the first convenient day and to make such order in the premises as right and justice may require

The service of any such order shall be made upon the owner or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises Whenever it may be necessary to serve such an order upon the owner of premises such order may be served either by delivering to and leaving with the said person a true copy of the said order or if such owner is absent from the jurisdiction of the officer making the order by mailing such copy to the owner's last known post office address

Any owner or occupant refusing or neglecting to comply with any final order or notice issued by the [State] Pennsylvania Motor Police or under its direction by any inspector or member of the [State] Pennsylvania Motor Police shall upon conviction thereof under summary proceedings instituted before any magistrate alderman or justice of the peace in the county where such violations occur be sentenced to pay a fine of not less than fifty ($50.00) dollars nor more than two hundred ($200.00) dollars and in default of the payment of such fine and costs to be imprisoned in the county prison one day for each dollar of fine and costs unpaid Upon conviction after hearing the sentences provided in this act shall be imposed and shall be final unless an appeal be taken in the manner prescribed by law

All fines collected under this act shall be paid into the Motor License Fund in the State Treasury [for the use of the Commonwealth] through the Department of Revenue

Section 4 The [State] Pennsylvania Motor Police or its assistants in addition to the investigation made by any of the assistants may at any time investigate the origin of circumstances of any fire occurring in this Commonwealth The [State] Pennsylvania Motor Police or its assistants shall have the power to summon witnesses and compel them to attend before them or either of them and to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation and may require the production of any books papers or documents deemed pertinent or necessary to the inquiry and shall have the power to administer oaths and affirmations to any persons appearing as a witness before them Such examination may be public or private as the officers conducting the investigation may determine

No person shall be excused from attending before the [State] Pennsylvania Motor Police or its assistants when summoned so to attend nor when ordered so to do shall he be excused from testifying or producing any books papers or documents before such [State] Pennsylvania Motor Police upon any investigation proceeding or inquiry instituted under the provisions of this act upon the ground or for the reason that the testimony or the evidence documentary or otherwise required of him may tend to convict him of a crime or subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction matter or thing concerning which he may have been required so to testify or produce evidence documentary or otherwise and no testimony so given or produced shall be received against him upon any criminal investigation or proceedings If after any such examina-

tion the [State] Pennsylvania Motor Police or any of its assistants is of the opinion that the facts in relation to such fire indicate that a crime has been committed it or he shall present the testimony taken on such examination together with any other data in his possession to the district attorney of the proper county with the request that he institute such criminal proceedings as such testimony or data may warrant

The [State] Pennsylvania Motor Police or its assistants may at all reasonable hours enter any building or premises within its or their jurisdiction for the purpose of making an inspection which under the provisions of this act it or they may deem necessary to be made

Section 5 Any witness who refuses to obey a summons of the [State] Pennsylvania Motor Police or its assistants or who refuses to be sworn or to testify or who disobeys any lawful order of the [State] Pennsylvania Motor Police or its assistants in relation to any investigation instituted by it or them or who fails or refuses to produce any books papers or documents touching any matter under investigation or examination or who is guilty of any contempt after being summoned to appear before it or any of them to give testimony in relation to any matter or subject under examination or investigation as aforesaid may be punished as for contempt of court For this purpose application may be made to any court within whose jurisdiction the contempt in question took place and for which purpose the courts of common pleas of this Commonwealth are hereby given jurisdiction

Section 7 It shall be the duty of the [State] Pennsylvania Motor Police to prepare in consultation with the Superintendent of Public Instruction books of instruction for use in the public and private schools of students of all grades with regard to the dangers of fire and the prevention of fire waste It shall be the duty of the Supreintendent of Public Instruction and of the principals or other persons in charge of the various schools of this Commonwealth to provide for the instruction and training of pupils of such schools by means of drills so that they may in sudden emergencies be able to leave the school buildings in the shortest possible time without confusion or panic Such drills shall be held at least once a month when the schools are in session Books of instruction with regard to the danger of fire and the prevention of fire waste as above specified shall be published at the expense of the State under the direction of the Superintendent of Public Instruction and shall be distributed in sufficient quantities for the use of the school as herein provided and the curriculum of such schools shall include some regular and continuous study of such subjects during the entire school year

Section 9 The assistants to the [State] Pennsylvania Motor Police not receiving a salary for the performance of public duties shall receive upon the audit of the [State] Pennsylvania Motor Police fifty cents for each report of each separate fire reported to the [State] Pennsylvania Motor Police under this act and in addition thereto shall be paid the sum of fifteen cents for each mile traveled to the place of fire and in the discretion of the [State] Pennsylvania Motor Police where an investigation has been made a sum not to exceed three ($3) dollars for each day's service spent in such investigation

Section 10 All penalties or forfeitures collected under the provisions of this act shall be paid into the Motor License Fund in the treasury of this Commonwealth through the Department of Revenue

Section 11 Every fire insurance corporation or association transacting business in this State shall file with the [State] Pennsylvania Motor Police through an actuarial bureau of any board of fire underwriters or through the secretary or other office of the insurance corporation or association a monthly report of fire losses showing (a) The name of the insured (b) location of property burned (c) date of the fire (d) the class of occupancy and construction (e) the probable cause of the fire (f) the sound valuation (g) total insurance (h) the total loss paid

Such corporation or association shall also file through officers an annual report of all fires on which losses have been paid during the preceding calendar year designating the amount of insurance written on such risk by the corporation or association the amount or probable loss the character of the property destroyed or damaged and the supposed cause of the fire

In all cases where such corporation or association receives evidence or information indicating that any fire was of incendiary origin a report of such fire and of such evidence or information shall be immediately communicated to the [State] Pennsylvania Motor Police

The monthly report hereinbefore required shall be made in writing and sent by registered mail to the [department] Pennsylvania Motor Police addressed to its office in the city of Harrisburg on or before the tenth day of each month as to all fires of which notice was received during the preceding month and shall include either in the first or subsequent monthly report the amount of loss as adjusted and actually paid by such corporation or association for on account of or by reason of such loss

The annual report hereinbefore required shall be made to the [State] Pennsylvania Motor Police on or before the first day of May

The notices and reports hereinbefore required by this section shall be in addition to any notices and reports such corporation or association may be required to make under the laws of this Commonwealth to the Insurance Commissioner or to any other State officer

Section 12 Every board association or bureau which now exists or hereafter may be formed for the purpose of suggesting establishing or maintaining rates of fire insurance on property located in this State shall supply to the [State] Pennsylvania Motor Police on request or permit the [State] Pennsylvania Motor Police to copy from its files reasonable data relating to the physical condition of insurable property in this State and relating to physical fire hazards in the various communities thereof

Section 13 Any fire insurance company or association wilfully violating any of the provisions of this act shall be liable to a penalty of two hundred and fifty dollars ($250) to be recovered at the suit of the [State] Pennsylvania Motor Police as debts of like amount are now by law recoverable and any foreign fire insurance company or association licensed to do business in this Commonwealth wilfully violating any of the provisions of this act shall in addition to incurring said penalty forfeit its rights to continue the transaction of its business in this State

Section 15 That all rules and regulations heretofore promulgated by the State Fire Marshall or by the Department of State Police or the Pennsylvania State Police and now in force shall continue in force until modified or abolished by the [State] Pennsylvania Motor Police

All suits actions or proceedings now pending under any act hereby repealed or supplied shall not be affected but shall be continued by the [State] Pennsylvania Motor Police

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 887, as follows:

An Act to further amend sections two four and six and to amend section seven of the act approved the seventh day of May one thousand nine hundred twenty-three (Pamphlet Laws one hundred fifty-one) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and pen-

alties for violation thereof" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Sections two four and six of the act approved the seventh day of May one thousand nine hundred twenty-three (Pamphlet Laws one hundred fifty-one) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" as amended by the act approved the seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws one hundred thirty-nine) are hereby further amended to read as follows

Section 2 No person copartnership association or corporation shall erect maintain construct or operate any dry cleaning or dyeing establishment or business without first obtaining approval from the [Bureau of Fire Protection Department of State Police] Pennsylvania Motor Police Application for such purpose shall be made upon form prescribed by [said department] the Pennsylvania Motor Police and shall be accompanied by drawings covering floor plan roof plan and exterior elevations of the building including thereon the position of all machinery and equipment steam fire extinguishing lines exhaust fans motor storage tanks and such other requirements of the act as it relates to the construction maintenance equipment and operation of the dry cleaning and dyeing establishment or business to be erected constructed maintained or operated Plot plan shall also be furnished showing the location of the dry cleaning building and relative distances to surrounding properties

No dry cleaning dyeing tumbler or drying room shall be located within ten feet of any other building unless separated therefrom by an unpierced fire wall but in no case shall more than two sides of a dry cleaning or dyeing room have blank walls and such rooms shall be provided with at least two exists remote from each other having excess to the outside of building All rooms used or to be used for the purpose of dry cleaning or dyeing as above defined shall be noncombustible material and construction shall not exceed one story in height shall be without basement cellar or open space below the ground floor No dry cleaning building shall be used for any purpose or occupancy other than dry cleaning dyeing and reclaiming gasoline and such other rooms or departments necessary for power and for the receiving and finishing of materials Section 4 No steam boiler furnace or steam generator or heating device exposed fire or other spark emitting device shall be permitted in any dry cleaning dyeing tumbler drying or distilling room or in line of vapor travel therefrom

Heating of such buildings shall be by steam or hot water system or equivalent in safety

All electric wiring and equipment including motors shall conform to National Electrical Code All artificial lighting shall be by incandescent electric lights of approved type

Transfer of all liquids shall be through continuous piping pipe connections or threaded joints shall be made up litharged and glycerined and all outlets or drain lines shall be drained by gravity to settling or storage tanks No dry cleaning liquid shall be settled in any open or unprotected vessels or tanks Provided That nothing in this section shall prohibit scrubbing and brushing in dry cleaning rooms but not more than three gallons of volatile fluid shall be used in any one container and shall be so used in metallic pan or container and such volatile liquid or substance shall be returned to settling or storage tanks as soon as operation is completed

Storage tanks for volatile inflammable liquids shall conform to the standards of the [Bureau of Fire Protection Department of State Police] Pennsylvania Motor Police and no such tanks shall be installed without approval from [said bureau] the Pennsylvania Motor Police

Section 6 Nothing in this act shall be construed so as to restrict or limit the location of any building actually being used for dry cleaning purposes prior to passage of this act except where the fire hazard is in the opinion of the [Bureau of Fire Protection] Pennsylvania Motor Police of such character as would menace or endanger surrounding property

Nor shall the provisions of this act be held to apply to any building business or establishments now in use so as to cause the same to be rebuilt but should any dry cleaning building or part thereof be reconstructed rebuilt or repaired the same shall as to new work be so reconstructed rebuilt or repaired in conformity with the provisions of this act

Nothing in this section shall be so constructed as to relieve any person copartnership association or corporation from responsibility criminal or otherwise because of noncompliance with or violation of any of the provisions of the act to which this act is an amendment

Section 2 Section seven of said act is hereby amended to read as follows

Section 7 Any bulding inspector fire chief or fireman of any community inspector of the Commonwealth of Pennsylvania or [Department of State Police] Pennsylvania Motor Police shall be permitted to enter any building or buildings at any reasonable hour for purpose of inspection

Section 3 This act shall become effective the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 917, as follows:

An Act to establish as a State highway a certain section of public road in the counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a certain section of public road commencing at a point on Route 43 about 0.5 of a mile west of the Franklin-Adams County line thence in a southerly easterly and northerly direction through Greene Township Franklin County and Franklin Township Adams County to a point on Route 43 about 0.2 of a mile east of the Franklin-Adams County line a distance of about 1.0 mile shall be adopted by the Commonwealth as a State highway and shall be constructed improved and maintained at the sole expense of the Commonwealth under existing laws

Section 2 The cost and expense of the construction improvement and maintenance of the highway herein described shall be paid out of any moneys appropriated to the Department of Highways for the construction improvement reconstruction or maintenance of State highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 958, as follows:

An Act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto" by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P L 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the laws in reference thereto" are hereby amended to read as follows

Section 1 Be it enacted etc That Subpoenaing Witness in this State to Testify in Another State If a judge learned in the law of a court of record in any state which by its laws has made provisions for commanding persons within that state to attend and testify in criminal prosecutions in this Commonwealth certifies under the seal of such court than a person being within this Commonwealth is a material witness in such prosecution and that his presence will be required for a specified number of days any judge learned in the law of a criminal court of record in the county in which such person is upon presentation of such certificate shall fix a time and place for hearing and shall notify the witness of such time and place

Section 2 Hearing and Issuance of Subpoena If at the hearing the judge determines that the witness is material and necessary that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state that the witness will not be compelled to travel more than one thousand miles to reach the place of trial and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass will give to him protection from arrest and the service of civil and criminal process he shall issue a subpoena with a copy of the certificate attached directing the witness to attend and testify in the court where the prosecution is pending at a time and place specified in the subpoena In any such hearing the certificate shall be prima facie evidence of all the facts therein

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state such judge may in lieu of notification of the hearing direct that such witness be forthwith brought before him for said hearing and the judge at the hearing being satisfied of the desirability of such custody and delivery may in lieu of issuing a subpoena order that the witness be forthwith taken into custody and delivered to an officer of the requesting state

Section 4 Witness from Another State Subpoenaed to Testify in this Commonwealth If a person in any state which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal prosecutions in this Commonwealth is a material witness in a prosecution pending in a criminal court of record in this Commonwealth a judge learned in the law of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required This certificate shall be presented to a judge learned in the law of a court of record in the county in which the witness is found

Said certificate may recommend that the witness be taken into custody and delivered to an officer of the Commonwealth to assure the attendance of such witness in this Commonwealth

Section 5 Payment of Witnesses If the witness is subpoenaed to attend and testify in the criminal prosecution in this Commonwealth he shall be tendered the sum of ten cents a mile for each mile which he shall be required to travel to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness which sum shall be advanced by the proper authorities upon requisition by the district attorney A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this Commonwealth a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court

Section 7 Uniformity of Interpretation This [section] act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 959, as follows:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states and imposing certain duties in magistrates aldermen and justices of the peace and the Secretary of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act the word "state" shall include the District of Columbia

Section 2 Any peace officer of another state of the United States who enters this Commonwealth in close pursuit and continues within this Commonwealth in such close pursuit of a person in order to arrest him shall have the same authority to arrest and hold in custody such person on the ground that he has committed a crime in such state which is an indictable offense in Pennsylvania man or justice of the peace determines that the arrest and hold in custody a person on the ground that he has committed a crime in this Commonwealth

Section 3 If an arrest is made in this Commonwealth by an officer of another state in accordance with the provisions of section two of this act he shall without unnessary delay take the person arrested before a magistrate alderman or justice of the peace who shall conduct a hearing for the sole purpose of determining if the arrest was in accordance with the provisions of section two of this act and not of determining the guilt or innocence of the arrested person If such magistrate alderman or justice of the peace determines that the arrest was in accordance with such section he shall commit the person arrested to the custody of the officer making the arrest who shall without unnecessary delay take him to the state from which he fled If such magistrate alderman or justice of the peace determines that the arrest was unlawful he shall discharge the person arrested

Section 4 This act shall not be construed so as to make unlawful any arrest in this Commonwealth which would otherwise be lawful

Section 5 Upon the taking effect of this act it shall be the duty of the Secretary of the Commonwealth to certify a copy of this act to the executive department of each of the states of the United States

Section 6 This act shall apply only to peace officers of a state or any political subdivision thereof which by its laws has made similar provision for the arrest and custody of persons closely pursued within the territory thereof

Section 7 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 960, as follows:

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole and imposing certain powers and duties on the Governor and the Board of Pardons

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor of this Commonwealth is hereby authorized and directed to enter into a compact on behalf of this Commonwealth with any other state of the United States legally joining therein in the form substantially as follows

"A COMPACT

"Entered into by and among the contracting states signatories hereto with the consent of the Congress of the United States of America granted by an act entitled 'An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes'

"The contracting states solemnly agree

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state") while on probation or parole if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there

(b) Though not a resident of the receiving state and not having his family residing there the receiving state consents to such person being sent there

Before granting such permission opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person

A resident of the receiving state within the meaning of this section is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standard that prevail for its own probationers and parolees

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto as to such person The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state Provided however That if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge or he should be suspected of having committed within such state a criminal offense he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all state parties to this compact without interference

(5) That the governor of each state may designate an officer who acting jointly with like officers of other contracting states if and when appointed shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact

(6) That this compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratify When ratified it shall have the full force and effect of law within such state the form of ratification to be in accordance with the laws of the ratifying state

(7) That this compact shall continue in force and remain binding upon each ratifying state until renounced by it The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state Renunciation of this compact shall be by the same authority which ratified it by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto"

Section 2 The Board of Pardons of the Department of Justice shall have the power and shall be under the duty to promulgate such rules and regulations as may be deemed necessary to carry out the terms of a compact entered into by the Commonwealth pursuant to this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 986, as follows:

An Act to amend section one hundred fifty-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" extending the provisions to memorial tablets and works of art erected within buildings or on grounds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred fifty-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" is hereby amended to read as follows

Section 155 If any person shall unlawfully and maliciously destroy or damage anything kept for the purpose of art science or literature or as an object of curiosity in any museum gallery cabinet library or other repository which museum gallery cabinet library or other repository is either at all times or from time to time open for the admission of the public or any considerable number of persons to view the same either by the permission of the proprietor thereof or by payment of money for entering the same of any picture statute monument or painted glass in any church meeting house or other place of religious worship or any statutes [or] monument [exposed to] memorial tablet or work of art erected within any building or on any grounds for public view such person shall be guilty of a misdemeanor and being convicted thereof shall be sentenced to pay a fine not exceeding five hundred dollars and to undergo an imprisonment not exceeding six months

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUPP. Mr. President, I move that Senate Bill No. 997, on second reading, entitled:

An Act to further amend section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P .L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles, tractors streets cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the court and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by imposing liability on school districts and poor districts in certain cases

be recommitted to the Committe on Education,

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1014 (House Bill No. 1358), entitled:

An Act abolishing the Municipal Court of Philadelphia and transferring actions books records documents and papers in the possesion of said court to other courts of the County of Philadelphia

And said bill having been read at length the second time.

Mr. RUPP. Mr. President, I withdraw my request.

On the question,

Will the Senate agree to the bill on second reading?

Mr. OWLETT. Mr. President, I ask for a roll call.

Mr. HUFFMAN. Mr. President, the matter before the Senate is whether the bill shall be transcribed for a third reading.

Mr. OWLETT. Mr. President, I beg to suggest that when the President asked whether the Senate would agree to the bill on second reading, I then asked for a roll call.

The PRESIDENT. The record will show that. I think the Senator from Tioga is correct. The rule was dispensed with and I do not think a roll call is necessary.

Mr. SHAPIRO. Mr. President, I am waiting for a ruling on my point or order, and my point of order is that having dispensed with the rule, the roll call is out of order.

Mr. BUCKMAN. Mr. President, the record shows that the question before the Senate is Will the Senate agree to the bill on second reading.

The PRESIDENT. The Chair sees no objection to the calling of the roll. Either the roll may be called or the question decided by a standing vote.

The yeas and nays were required by Mr. OWLETT and Mr. BUCKMAN.

Mr. OWLETT. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

The yeas and nays were required by Mr. OWLETT and Mr. BUCKMAN, and were as follows, viz:

YEAS—23

Barthold,	Huffman,	McCreesh,	Rupp,
Dando,	Jaspan,	McGinnis,	Ruth,
DiSilvestro	Kahle,	Pytko,	Shapiro,
Eroe,	Kilgallen,	Rankin,	Sipe,
Gilson,	Kunkel,	Rice,	Stiefel,
Henney,	Law,	Rodgers,	

NAYS—12

Buckman,	Gelder,	Mallery,	Salus,
Chapman,	Heyburn,	Owlett,	Scarlett,
Deitrick,	Homsher,	Pierson,	Wolfenden,

So the question was determined in the affirmative.

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1057 (House Bill No. 1261), entitled:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1085, as follows:

An Act providing for fixing minimum compensation for barber service in the several counties of this Commonwealth conferring powers and imposing duties on the Department of Public Instruction and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever a written agreement signed by an organized group comprising seventy-five per centum or more of the licensed barbers operating in any county whereby a scale of minimum compensation for barber service is established in such county is submitted to the Department of Public Instruction the department shall investigate and make inquiry as to the propriety of such compensation under all conditions and their adequacy to best protect the public health and safety by affording a sufficient minimum compensation for barber service to enable the barbers of the county to furnish modern services and appliances best designed to minimize the danger to the public health and if it finds that the conditions so warrant shall by departmental order fix the minimum compensation for all service usually performed in a barber shop

Section 2 If at any time the department after investigation made either upon its own initiative or upon the complaint of a representative group of barbers determines that the minimum compensation so fixed is insufficient to properly provide healthful service to the public and keep the shops sanitary the department shall have authority from time to time to change or refix any or all minimum compensation for a barber's service in any county wherein compensation has theretofore been fixed

Section 3 After minimum compensation for barber service has been established in any county as provided in this act it shall be unlawful to perform any such work for any compensation less than that prescribed in such schedule of minimum compensation and any person so doing shall upon summary conviction be sentenced to pay a fine of ten dollars ($10) and costs of prosecution and upon default of payment thereof to be imprisoned for not more than five days

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh permit himself to be interrogated?

Mr. McCREESH. Mr. President. I will.

Mr. BUCKMAN. Mr. President, I would like to have the Senator from Philadelphia explain the purport and meaning of this bill?

Mr. McCREESH. Mr. President, I have given up all hope of interrogation tonight, and I take it that the Senator from Bucks, Mr. Buckman is O. K. on all the bills, and I thought perhaps he had read this bill. However, I am not a barber and this is a barber's bill; all the barbers are trying to regulate prices. This bill is intended to do nothing except give the barbers a right to fix prices in cities and in municipalities, when 75% of the barbers can say what they are going to charge. Will the Senator from Bucks, Mr. Buckman be kind enough to read this bill? Well, to tell Senator Buckman the truth, I have put away everything for the night and I thought we were all O. K. If you want to start in the morning—

The PRESIDENT. Will the Senator agree to the bill on second reading?

Mr. HALUSKA. Mr. President, I desire to ask a question of the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh permit himself to be interrogated?

Mr. McCREESH. Mr. President, I will.

Mr. HALUSKA. Mr. President, can the Senator from Philadelphia tell me the price of a hair-cut if this becomes a law?

Mr. McCREESH. Mr. President, the price is to be fixed, it has not yet been fixed.

And the question recurring.

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1091, (House Bill No. 666), as follows:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city borough incorporated town township or school district has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the city borough incorporated town or township or school district has not within the period of five years after the date on which any such claim was filed sued out a writ of scire facias to reduce the same to judgment or in the case of a tax claim has not within said period of five years filed a suggestion of nonpayment and on averment of default or whenever any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings judgment has not been entered within the period of five years after the date on which such writ was issued or whenever any such tax or municipal claim has been reduced to judgment and the city borough incorporated town township or school district has not within the period of five years after the date on which such judgment was entered or within five years after the date on which such judgment was last revived filed a suggestion of nonpayment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such city borough incorporated town township or school district may within six months after the passage and approval of this act issue its praecipe for a writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in case a writ of scire facias has been issued but the same has not been reduced to judgment within five years from the date of issuance issue its praecipe for an alias writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in the case of a tax claim where no judgment has been entered file a suggestion of nonpayment and on averment of default or in case judgment has been entered on a tax or municipal claim either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said claim or judgment may be revived or further revived and collected as other claims or judgments upon tax or municipal claims are revived and collected Provided, however That the lien of any such claim or judgment shall not reattach against any real estate transferred to any purchaser during the time when the lien of any such tax or municipal claim or judgment was lost nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the city borough incorporated town township or school district to sue out the writ of scire facias or file a suggestion of nonpayment and an averment of default within the five year period or was entered of record during the time the lien or such tax or municipal claim of judgment was lost

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1146, (House Bill No. 1055), entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsyl-

vania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs

The first section of the bill was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violations thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added by the act approved the twenty-eighth day of April one thousand nine hundred and twenty-one (P. L. 328) and last amended by section three of the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 547) is hereby further amended to read as follows

23 The amount apportioned and allotted to each school district shall be divided into equal semi-annual installments and the Superintendent of Public Instruction shall draw his [warrants] requisitions semi-annually upon the State Treasurer in favor of each district for the amount to which it is entitled and payment thereof shall be made to fourth class districts during the months of February and August of each year to second and third class districts during the months of March and September of each year and to first class districts during the months of April and October of each year

[Provided That reimbursement] Reimbursement on account of salaries required to be paid for extension schools and classes as herein provided shall be made to school districts maintaining approved extension schools and classes established as herein provided and shall begin with the first semi-annual payment of the biennium beginning the first day of June one thousand nine hundred and twenty-seven Provided however That the Superintendent of Public Instruction may refuse to authorize the payment of any amount payable to any school district for the school year commencing the first day of July one thousand nine hundred and thirty-seven or any school year thereafter which school district has for the year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six or the year one thousand nine hundred and thirty-six one thousand nine hundred and thirty seven failed or refused to pay to the members of its teaching and supervisory staffs the full amount of the minimum salaries and increments required by this section giving due credit for increments suspended during the years one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five or which shall at any time hereafter fail or refuse to pay to the members of its teaching and supervisory staffs the full amount of the minimum salaries and increments required by this section He may continue to withhold such requisitions until provision has been made by the school district for the payment of such minimum salaries and increments

On the question,

Will the Senate agree to the section?

Mr. RANKIN. Mr. President, I move to amend Section 1, page 4, by inserting between lines 3 and 4 the following:

Section 2. That article nineteen of said act is hereby amended by adding thereto the following new section:

"Section 1918. The board of school directors of any school district is hereby authorized and empowered to enter into agreements with any college of the Commonwealth approved by the State Council of Education for the purpose of establishing undergraduate centers with the financial assistance of such school district, and under such terms and regulations as shall be prescribed by the State Council of Education or to provide for the establishment of courses of study of college, grade or rank in a separate department operated by such school district under regulations to be prescribed by the State Council of Education.

Each school district undertaking such higher education in any manner provided herein shall prescribe the amount and manner of payment of fees, if any, shall be required to be paid by students attending such courses, departments or schools.

The board of school directors of any two or more school districts may exercise the powers conferred herein by the establishment of joint schools, departments or courses.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Will the Senate agree to the section as amended?

Mr. KUNKEL. Mr. President, I move to further amend Sec. 1, page 2, lines 4 and 5, by striking out the following: "clause twenty-three of section one thousand two hundred and ten" and inserting in lieu thereof: "section six hundred and twenty-seven"; amend Bill, Sec. 1, page 2, line 14, by inserting after the word "therewith" the following: as last amended by section one of the act, approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 87), is hereby further amended to read as follows:

"Section 627. The board of school directors of any district may permit the use of its school grounds and buildings for social, recreation and other proper purposes under such rules and regulations as the board may adopt, and shall make such arrangements with any city, borough or township authorities for the improvement, care, protection and maintenance of school buildings and grounds for school, park, play or other recreation purposes as it may see proper, and any board of school directors may make such arrangements as it may see proper with any officals or individuals for the temporary use of school property for schools, playgrounds, social, recreation or other proper educational purposes, primaries and elections."

"The board of school directors of any school district shall, upon the petition of ten or more taxpayers residing within the school district, grant a permit authorizing the use of a school building for the purpose of holding meetings under such rules and regulations concerning the maintenance of order and sanitation as the board of school directors may adopt, but without discrimination on account of races, religion, political convictions, or otherwise."

"The board of school directors of any school district shall have power and authority to lease any part of their respective school building, equipment and premises to any university or college of the Commonwealth approved by the State Council of Education for the purposes of conducting and maintaining therein university or collegiate courses. Such leases shall be subjected to the

terms and regulations which may be adopted by the board of school directors and shall be further subject to the approval of the State Council of Education."

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows

Section 2 This act shall become effective the first day of July one thousand nine hundred and thirty-seven

On the question,

Will the Senate agree to the section?

Mr. RANKIN. Mr. President, I move to amend Sec. 2, page 4, line 4 by striking out the figure "2" and inserting in lieu thereof: "3"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

Mr. KUNKEL. Mr. President, I move to further amend Section 2. That clause twenty-three of section one thousand two hundred and ten of said act; amend Sec. 2, page 4, line 4 by striking out the figure "2" and inserting in lieu thereof: "3"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs

On the question,

Will the Senate agree to the title?

Mr. RANKIN. Mr. President, I move to amend Title, page 1, line 2 of title by inserting after the word "ten" the following: "to add section nine hundred and eighteen to article nineteen"; amend Title, page 1, line 15 of title by adding after the word "staffs" the following: "and by authorizing school districts along or jointly with other school districts to cooperate with colleges in establishing undergraduated centers or to establish courses of college studies and to fix fees therefor

Mr. RICE. Mr. President, I second the motion

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

Mr. KUNKEL. Mr. President, I move to further amend Title, page 1, line 1 of title, by inserting after the word "amend" the following: "section six hundred and twenty-seven and"; amend Title, page 1, line 12 of title, by striking out the following "as added" and inserting in lieu thereof: "requiring school districts to permit the use of school buildings for the holding of public meetings and"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1174 (House Bill No. 158), as follows:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

Article I

General Provisions and Public Policy

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" shall be construed to mean the Sanitary Water Board in the Department of Health or its duly constituted successor

"Establishment" shall be construed to include any industrial establishment mill factory tannery paper or pulp mill garage oil refinery oil well boat vessel mine quarry and each and every other industry or plant or works in the operation of which industrial wastes are produced

"Industrial waste" shall be construed to mean any liquid gaseous or solid substance not sewage resulting from any manufacturing or industry

"Institution" shall include healing preventative mental health educational correctional and penal institutions almshouses and county and city homes operated by the State or any political subdivisions thereof and whose sewage is not admitted to a public sewer system

"Municipality" or "municipal" shall be construed to include any county county authority municipal authority city borough town township school district and institution as above defined

"Person" shall be construed to include any person copartnership association or private corporation

"Pollution" shall be construed to mean noxious and deleterious substances rendering unclean the waters of the Commonwealth to the extent of being harmful or inimical to the public health or to animal or aquatic life or to the use of such waters for domestic water supply or industrial purposes or for recreation

"Sewage" shall be construed to include any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals

"Waters of the Commonwealth" shall be construed to include any and all rivers streams creeks rivulets lakes dammed water ponds springs and all other bodies of surface and underground water or parts thereof whether natural or artificial within or on the boundaries of this Commonwealth

Section 2 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

B Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Discharge of Sewage and Industrial Wastes Not a Natural Use The discharge of sewage or industrial waste or any noxious and deleterious substances into the waters of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for domestic or industrial consumption or for recreation is hereby declared not to be a reasonable or natural use of such waters to be against public policy and to be a public nuisance

Article II

Sewage Pollution

Section 201 Prohibition Against Discharge of Sewage No person or municipality shall place or permit to be placed or discharge or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any sewage except as hereinafter provided in this act

Section 202 Extent of Applicability of Act to Existing Sewage Discharges Any municipality discharging sewage from any sewer system owned and maintained by the municipality and any person discharging sewage into or in such manner as to cause pollution of the waters of this Commonwealth without regard to the fact that such discharge began prior or subsequent to the twenty-second day of April one thousand nine hundred and five or whether such continued discharge has been by virtue of or without a permit issued by the Secretary of Health the Commissioner of Health or the Board in accordance with the provisions of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" shall discontinue the discharge of sewage into or in such manner as to cause pollution of the waters of this Commonwealth upon the order of the Board issued pursuant to the provisions of this act at such time as the Board shall be of opinion that such discharge of sewage is or may become inimical or injurious to the public health animal or aquatic life or to the use of the water for domestic or industrial consumption or recreation and on such notice any permit heretofore granted to such municipality or person for the discharge of sewage into the waters of the Commonwealth shall be deemed to be revoked and annulled Provided however That the discharge of sewage into a stream impregnated with acid coal mine drainings be permitted when the discharge of sewage does not create a condition inimical to the public interest

Section 203 Orders to Discontinue Existing Sewage Discharges Nuisances In the case of a municipality orders to discontinue existing discharges of sewage shall be by notice in writing (after investigation and hearing and an opportunity for all persons interested therein to be heard thereon) which notice shall be served personally or by registered mail on the corporate authorities of the municipality owning or maintaining and using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued shall be stated in the notice and shall in no case exceed two years

In the case of a person orders to discontinue existing discharges of sewage shall be by notice in writing served personally on such person or by registered mail addressed to the last known post office address of the person discharging the sewage and such notice shall specify a reasonable time not exceeding one year to be fixed by the Board within which the discharge of such sewage shall be discontinued

The continued discharge of sewage by persons or municipalities after the expiration of the time fixed in any such notice is hereby declared to be a nuisance and shall be abatable and punishable as provided in this act

Section 204 Penalty Any Person who shall continue to discharge sewage or permit the same to flow into the waters of the Commonwealth contrary to the preceding provisions of this act for or after the expiration of the time fixed in any notice from the Board to discontinue an existing discharge of sewage into the waters of the Commonwealth shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and not exceeding one hundred dollars for each offense and a further fine of ten dolalrs for each day the offense is maintained and in default of the payment of such fine and costs the person or the member or members of any association or copartnership or the officer or officers of any corporation responsible for violation of this act shall be imprisoned in the county jail one day for each dollar of fine and costs unpaid

Section 205 Reports of Existing Municipal Sewers It shall be the duty of the corporate authorities having by law charge of the sewer system of each municipality in the Commonwealth from which sewage is being discharged into any of the waters of the Commonwealth to file with the Board from time to time upon the written demand of said Board a report of such sewer system which shall comprise such plans facts and information as the Board may require Such report shall be filed within a time specified by the Board in its written demand No municipal sewer system shall be exempt from the provisions of this act prohibiting the discharge of sewage into the waters of the Commonwealth for which a satisfactory report shall not be filed with the Board in accordance with this section The continued discharge of sewage from any such sewer system contrary to the provisions of this section is hereby also declared to be a nuisance and abatable as such

Section 206 Applications for Permits for the Discharge of Sewage Upon application duly made to the Board by the corporate authorities having by law the charge of the sewer system of any municipality or by any person the Board shall consider the case of any sewer system or the extension of any existing sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the Commonwealth and shall if it finds as a fact that the discharge of sewage is necessary and not injurious to the public health or animal or aquatic life or for use for domestic or industrial consumption or recreation stipulate in a permit the conditions and the time during which such discharge into the waters of the Commonwealth may be permitted Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of said sewer system is located And in case the municipality or person fails or neglects to record such permit the Board shall cause a copy thereof to be so recorded and shall collect the cost of recording from the municipality or person No such permit shall be construed to permit any act otherwise forbidden by any of the laws of the Commonwealth or by any decree order sentence or judgment of any court or by the ordinances of any municipality or by the rules and regulations of any water company supplying water to the public or by laws relative to navigation

Section 207 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the construction of any new sewer system or for the extension of any existing sewer system by a municipality or for the erection construction and location of any treatment works or intercepting sewers by a person or municipality shall be submitted to the Board for its approval before the same are constructed or erected or acquired Any such construction or erection which has not been approved by the Board by written permit or any treatment works not operated or maintained in accordance with the rules and regulations of the Board is hereby also declared to be a nuisance and abatable as herein provided

Section 208 Revocation or Modification of Permits Every such permit for the discharge of sewage from a sewer system or extension or for the erection and construction of any sewer system or treatment works or intercepting sewers under the provisions of sections two hundred six and two hundred seven of this act shall be revocable or subject to modification and change by the Board on due notice (after an investigation and hearing and an opportunity for all known to be interested therein to be heard thereon) being personally on or by registered mail addressed to the last known post office address of the corporate authorities of the municipality or the person owning maintaining or using the sewer system or the person or municipality operating the treatment works The length of time after the receipt of the notice within which the discharge of sewage or the treatment of sewage in such treatment works shall be discontinued shall be stated in the notice but in no case shall it exceed two years in the case of a municipality or a reasonable time not exceeding one year in the case of a person to be fixed by the Board

Section 209 Prohibition Against Discharge of Sewage Et Cetera After Revocation of Permit On the expiration of the period of time prescribed after the service of a notice of revocation modification or change of any such permit from the Board the discharge of sewage into any waters of the Commonwealth or treated sewage from treatment works shall cease and terminate and the prohibition of this act against such discharge or treatment shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided A continuation of the discharge of sewage or the treatment of sewage after revocation or in violation of any modification and change of any such permit it hereby also declared to be a nuisance and shall be punishable and abatable as herein provided

Section 210 Municipal Financing of Pollution Abatement Any municipality upon whom an order of the Board is served to abate its discharge of untreated or inadequately treated sewage shall unless said order to abate said discharge be reversed on appeal take steps for the acquisition or construction of a sewer or sewerage system or sewage treatment works or both or for the repair alteration extension or completion of an existing sewer sewerage system or sewage treatment works or both as may be necessary for the treatment of its sewage in compliance with the order of the Board The cost of the acquisition construction repair alteration completion or extension of the sewer sewerage system or sewage treatment works as may be necessary to comply with said order shall be paid out of funds on hand available for such purpose or out of the general funds of such municipality not otherwise appropriated If there be no sufficient funds on hand or unappropriated then the necessary funds shall be raised by the issuance of bonds such bond issue to be subject only to the approval of the Department of Internal Affairs If the estimated cost of the steps necessary to be taken by such municipality to comply with such order is such that the bond issue necessary to finance such project would not raise the total outstanding bonded indebtedness of such municipality in excess of the constitutional limit imposed upon such indebtedness by the Constitution of this Commonwealth then and in that event the necessary bonds may be issued as a direct obligation of such municipality and retired pursuant to general law governing the issue of such bonds if the electors of the municipality shall vote in favor of the increase in indebtedness where the consent of the electors is required If the amount of such bonds necessary to be issued would raise the total outstanding bonded indebtedness of such municipality above such constitutional limitation on such indebtedness or if the consent of the electors cannot be secured or if such municipality by its corporate authorities shall determine against the issuance of direct obligation bonds then such municipality shall be requested to issue non-debt revenue bonds and provide for the payment of the interest and principal of such bonds from funds to be raised by imposing a sewer rental or charge in accordance with and as authorized by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws twelve hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" or other legislation relating to the imposition and collection of such rentals and charges

The funds made available by the issuance of either direct obligation bonds or revenue bonds secured by rental charges as herein provided shall constitute a sanitary fund and shall be used for no other purpose than for carrying out such order or orders of the Board

The Attorney General at the instance of the Board may enforce this provision of the act by action of mandamus

Section 211 Revenue Bonds For the purpose of financing the cost and expense of its share of the cost and expense of constructing or acquiring or extending any sewer sewer system or sewage treatment works either singly or jointly with other municipalities a municipality may issue non-debt revenue bonds secured solely by a pledge in whole or part of the annual rentals or charges imposed for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the annual rentals or charges for the use of the sewer sewer system or sewage treatment works

Section 212 Issuance and Sale of Revenue Bonds Maturity Interest When a municipality shall issue any non-debt revenue bonds the corporate authorities thereof shall sell the same to the highest bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the municipality or the county in which the municipality is situated Where bonds shall be advertised for sale as herein provided and no bids shall have been received then it shall be lawful for such municipality to sell the same at private sale for not less than par and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and shall bear interest at a rate not exceeding six per centum per annum

Section 213 Other Methods of Financing Preserved Anything in this act to the contrary notwithstanding any municipality shall have power to issue bonds revenue certificates or other obligations to finance in whole or in part the carrying out of any order or direction of the Board without regard to the restrictions limitations or provisions of this act relating to the issuance of bonds revenue certificates or other obligations provided that such bonds revenue certificates or other obligations are issued by the municipality in accordance with the provisions of any other law This act shall be construed to provide an alternative method for the issuance of bonds revenue certificates or other obligations by a municipality and not an exclusive method therefor

Article III

Industrial Wastes

Section 301 Prohibition Against Discharge of Industrial Wastes No person shall place or permit to be placed or discharged or permit to flow or continue to discharge or permit to flow into any of the waters of the Common-

wealth any industrial wastes except as hereinafter provided in this act

Section 302 Existing Industrial Wastes Discharges All persons who at the time of the passage of this act are discharging industrial waste into any of the waters of the Commonwealth shall discontinue the discharge of such industrial waste into said waters or into any municipal sewer system on notice from the Board when after due investigation the Board shall declare the discharge of such industrial waste is or may become inimical or injurious to the public health or to animal or aquatic life or prevent the use of waters for domestic industrial or recreational purposes provided that any discharge that is inimical and injurious to the public health or to animal or aquatic life or to the use of the water for domestic or industrial consumption or recreational purposes shall nevertheless be deemed unlawful and a nuisance whether the Board shall so declare or not

Section 303 Information as to Kind and Character of Discharge Every person who on the effective date of this act shall be discharging or permitting to be discharged or has an establishment temporarily closed which in the future may discharge or permit to be discharged any industrial waste into the waters of the Commonwealth shall file with the Board within ninety days after the effective date of this act on forms prepared and supplied by the Board such information under oath as the Board may require with regard to such industrial waste including the kind characteristics and rate of flow thereof and concerning the treatment works if any either in operation or in contemplation It shall be the duty of such persons to apply to the Board for the forms necessary to comply with this provision The falsity of any of the information thus supplied is hereby declared to be perjury and punishable as such

Section 304 Water Surveys The Board shall have power to make a complete survey of the waters of the Commonwealth in order to ascertain the extent of pollution in each of said waters and the remedies to be employed to purify said waters It shall have power to adopt prescribe and enforce such rules and regulations not inconsistent with this act as may be deemed necessary for the protection of the purity of the waters of the Commonwealth or parts thereof and to purify those now polluted and to assure the proper and practical operation and maintenance of treatment works approved by it A violation of which rules and regulations after notice shall also constitute a nuisance under this act

Section 305 Investigations and Research In addition to any powers now possessed the Board shall investigate and ascertain as far as practicable all facts in relation to the pollution of the waters of the Commonwealth by industrial waste Its agents may enter upon lands buildings and premises as may be necessary for its investigations It shall conduct scientific experiments and researches under its personal supervision or in colleges and universities for the purpose of ascertaining reasonable and practical means for the treatment of industrial waste so that when the same has been treated the effluent thereof when discharged into the waters of the Commonwealth shall not be injurious to the public health or to animal or aquatic life or prevent the use of the water for domestic industrial or recreational purposes

Section 306 Protection of Clean Waters After the effective date of this act no municipality or person shall ever discharge drain or permit to be washed into the clean waters of this State any sewage or industrial waste "Clean waters" are hereby defined to mean waters which are at the effective date of this act unpolluted and free from any discharge or drainage of industrial waste and from any authorized discharge or drainage of sewage but the Sanitary Water Board may permit discharge into such waters of sewage or industrial waste that has been completely treated

Section 307 Regulation of Establishments Erected or Opened or Re-opened in the Future No person shall hereafter erect construct or open or re-open or operate any establishment which in its operation results in the discharge of industrial wastes which would flow or be discharged into any of the waters of the Commonwealth and thereby cause a pollution of the same unless such person shall first provide proper and adequate treatment works for the treatment of such industrial wastes approved by the Board so that if and when flowing or discharged into the waters of the Commonwealth the effluent thereof shall not be inimical or injurious to the public health or to animal or aquatic life or prevent the use of water for domestic industrial or recreational purposes except when in the opinion of the Board such industrial waste is not inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and shall grant a permit for the discharge of such industrial waste into the waters of the Commonwealth But no permit shall ever be issued by the Board authorizing the discharge of untreated industrial waste into the clean waters of the State as above defined Public notice of every application for a permit under this section shall be given by notice published in a newspaper of general circulation published in the county where the permit is applied for once a week for four weeks But any such permit shall be revocable or subject to modification and change by the Board at any time thereafter upon reasonable notice served personally or by registered mail addressed to the last known post office address of the holder of the permit and the owner or operator of such establishment may be required to install treatment works approved by the Board for the treatment of such industrial waste or for the deposition of solids in such industrial waste in the manner and to the extent as the Board may require The discharge of industrial waste into any of the waters of the Commonwealth from any such establishment contrary to the provisions of this section or without a permit or after the time fixed in the notice of the Board when a permit is revoked or in violation of any modification thereof is hereby declared to be a nuisance and to be punishable and abatable as herein provided The provisions of this section shall not apply to establishments existing at the date of the approval of this act which may hereafter be temporarily closed for a period not exceeding six months

Section 308 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the erection and construction of treatment works by any person for the treatment of industrial wastes shall be submitted to the Board for its approval before the works are constructed or erected Any such construction or erection which has not been approved by the Board by written permit or by treatment works not maintained or operated in accordance with the rules and regulations of the Board is hereby declared a nuisance and to be punishable and abatable as herein provided

Section 309 Penalties Any person who shall discharge any industrial wastes into the waters of the Commonwealth after the Board shall have given notice to discontinue the same as provided in section three hundred two shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and a further fine of ten dollars per day for each day the offense is continued and in default of the payment of such fine and costs the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof may be imprisoned in the county jail for a period not exceeding sixty days

Any person who shall continue to discharge any industrial waste into any of the waters of the Commonwealth contrary to the provisions of this act after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof may be imprisoned in the county jail for a period of not more than one year

Section 310 Acid Mine Drainage The provisions of this article shall not apply to acid mine drainage from coal mines until such time as in the opinion of the Sanitary Water Board practical means for the removal or reduction of the polluting properties of such drainage shall become known

Article IV

Petty Pollution

Section 401 Petty Pollutions Prohibited It shall be unlawful for any person to put or place into any of the waters of the Commonwealth any explosives or to put or to allow any substance of any kind or character injurious or inimical to the public health or to animal or aquatic life or to the uses of water for industrial purposes or for recreation to be turned into or to run or flow or wash or to be emptied into any of the waters of the Commonwealth

Any person violating the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the provisions of this section after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and such person or if such person be an association or copartnership then the members thereof or is such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year Each day during which this section is violated shall constitute a separate offence

Nothing contained in this section shall be construed to apply to any sewage or industrial waste the discharge of which is regulated or prohibited by the preceding sections of this act but this section shall apply to explosives and to all other substances injurious or inimical to the public health or animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and to any sewage or industrial waste the discharge of which is not regulated or prohibited by the preceding sections of this act This section shall not be construed to prohibit the use of explosives for engineering purposes when a written permit has been given therefor by proper national State or municipal authorities

Section 402 Abatement of Petty Pollutions The violation of any of the provisions of the preceding section of this act is hereby declared to constitute a nuisance and to be abatable as herein provided

Section 403 Powers of Board The Board shall have power to adopt and promulgate reasonable rules and regulations for the purpose of preventing petty pollutions and to provide for and regulate the installation and maintenance of septic tanks or other methods of treatment whenever deemed necessary by the Board

Article V

Domestic Water Supplies

Section 501 Protection of Domestic Water Supplies In addition to the powers and authority hereinbefore granted power and authority is hereby conferred upon the Board after due notice and public hearing to make adopt promulgate and enforce reasonable orders and regulations for the protection of any source of water approved by the Commissioner of Health or the Department of Health for present or future supply to the public and prohibiting the pollution of any such source of water so approved rendering the same inimical or injurious to the public health or objectionable for public water supply purposes

Section 502 Penalty Any person violating any of said orders and regulations of the Board or refusing or omitting to comply with any direction or stipulation of the Secretary of Health made in accordance with said orders and regulations after thirty days' notice thereof shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the orders and regulations of the Board or refuse or omit to comply with any direction or stipulation of the Secretary of Health after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year

Section 503 Public Nuisances A violation of the orders and regulations adopted by the Board pursuant to section five hundred and one of this act shall constitute a nuisance and whenever such a pollution shall be maintained or continued contrary to such orders and regulations the same may be abatable in the manner provided by this act

Article VI

Procedure

Section 601 Abatement of Pollutions All pollutions hereinbefore declared to be nuisances or maintained contrary to the provisions of this act shall be abatable in the manner now provided by law or equity for the abatement of public nuisances In addition suits to abate pollution of any of the waters of the Commonwealth may be instituted in equity or at law in the name of the Commonwealth upon relation of the Attorney General or upon relation of any district attorney of any county or upon relation of the solicitor of any municipality affected after notice has first been served upon the Attorney General of the intention of the district attorney or solicitor to so proceed Such proceeding may be prosecuted in the Court of Common Pleas of Dauphin County or in the court of common pleas of the county where the nuisance has been or is being committed or of any county through which or along the borders of which flows the water into which such pollution has been discharged at any point above and to that end jurisdiction is hereby conferred in law and equity upon such courts provided however that no action shall be brought by such district attorney or solicitor against any municipality discharging sewage under a permit of the Board heretofore issued or hereafter issued under this act and provided further that except in cases of emergency where in the opinion of the court the exigencies of the cases require immediate abatement of said nuisances the court may in its decree fix a reasonable time during which the person or municipality responsible for the nuisances may make provision for the abatement of the same

Section 602 Preliminary Injunctions In cases where the circumstances require it or the public health is endangered a mandatory preliminary injunction or special injunction may be issued upon the terms prescribed by the court notice of the application therefore having been given to the defendent in accordance with the rules of equity practice and in any such case the Attorney General the district attorney or the solicitor of any municipality shall not be required to give bond

Section 603 Summary Proceedings All summary proceedings under the provisions of this act may be brought before any magistrate alderman or justice of the peace of the county where the offense occured or the unlawful discharge of sewage industrial waste or pollution was maintained or in the county where the public is affected and to

that end jurisdiction is hereby conferred upon said magistrates aldermen or justices of the peace subject to appeal by either party in the manner provided by law In the case of any appeal from any conviction in the manner provided by law for appeals from summary conviction it shall be the duty of the district attorney of the county to represent the interests of the Commonwealth

Section 604 Complaints Investigations Upon complaint made in writing by any responsible person to the Board it shall be the duty of the Board through its agents to investigate any allege source of pollution of the waters of the Commonwealth and to institute appropriate proceedings under the provisions of this act to discontinue any such pollution if the offence complained of constitutes a violation of the provisions of this act

Section 605 Appeals Any order decision rule or regulation made by the Board shall be subject to appeal to the Court of Common Pleas of Dauphin County within thirty days from its entry by any person or municipality but in such appeal the decision rule or regulation of the Board shall be prima facie evidence of the correctness thereof and the burden to establish the incorrectness thereof shall be upon the appellant Said court may affirm or modify any such order decision rule or regulation if it be established by the appellant that the discharge of sewage or industrial waste or the erection maintenance or operation of any treatment works is not nor likely to become inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and if the court so finds it may set aside such order decision rule or regulation of the Board Any order (other than an order to discontinue the discharge or industrial waste) decision rule or regulation appealed from shall not be superseded by the appeal but shall be in force until the order of the court is made as above provided The setting aside of any order or decision of the Board by the court upon any such appeal shall not prevent or preclude said Board from again instituting subsequent proceedings against the same person or municipality when in its opinion the public health is endangered or animal or aquatic life destroyed or water rendered unfit for domestic industrial or recreational purposes subject to appeal as above provided

Section 606 Proceedings Where Waters Polluted from Many Sources Nothing contained in the laws of the Commonwealth shall estop the Board from proceeding under the provisions of this act against any particular municipality or person discharging sewage or industrial waste or other noxious or deleterious substance into the waters of the Commonwealth even though said waters are at the time polluted from other sources

Section 607 Public Records Evidence All papers records and documents of the Board and applications for permits pending before the Board shall be public records open to inspection during business hours and copies of all such public records and the rules and regulations of the Board certified by the Secretary of Health shall be received in evidence in all courts and elsewhere

Section 608 Existing Rules Regulations and Orders All rules and regulations heretofore adopted by the Board and all orders made and actions taken by the Board or the Secretary of Health under the provisions of law repealed by this act shall continue in force with the same effect as if such laws had not been repealed subject however to modification change or annulment as may be deemed necessary by the Board in order to comply with the provisions of this act

Section 609 Application and Permit Fees The Board is hereby authorized to fix and collect from persons and municipalities a reasonable filing fee for applications filed and for permits issued

Article VII

Scope and Purpose

Section 701 Existing Rights and Remedies Preserved The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth or any district attorney or solicitor of a municipality from proceeding in courts of law or equity to abate pollutions forbidden under this act or abate nuisances under existing law It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate the pollution of the waters of this Commonwealth and nothing in this act contained shall in any way abridge or alter rights of action or remedies now or hereafter existing in equity or under the common law or statutory law criminal or civil nor shall any provision in this act or the granting of any permit under this act or any act done by virtue of this act be construed as estopping the Commonwealth persons or municipalities in the exercise of their rights under the common law or decisional law or in equity from proceeding in courts of law or equity to suppress nuisances or to abate any pollution now or hereafter existing or enforce common law or statutory rights

Article VIII

Repealer

Section 801 Repeal The following acts and parts of acts of Assembly are hereby repealed

Sections four five six seven eight nine ten and eleven of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health"

The act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred ninety-three) entitled "An act to preserve the purity of the sources of public water supplies hereafter approved authorizing the Advisory Board of the Department of Health to make orders and regulations therefor and the Commissioner of Health to enforce the same providing penalties for violation thereof and for abatement of nuisances by injunction"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1189 (House Bill No. 1184), entitled:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift approximately 7.224 acres of land in Tinicum Township Delaware County sometime known as "Printz Park" or as "Printz-Lindberg Park" to be known hereafter as "Governor Printz Park" providing for the control management supervision restoration improvement and maintenance thereof authorizing the Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1196 (House Bill No. 1524), entitled:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled

"An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentice and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" by modifying the provisions relating to barber schools the licensing of persons as barbers and the issuing of renewal student or apprentice permits providing additional grounds for suspension and revocation of permits and registrations discontinuing the use of the term "barber college" and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1197 (House Bill No. 1540), entitled:

An Act to repeal section ten of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred fifty-six) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1204 (House Bill No. 1798), entitled:

An Act to repeal clause (c) as amended and to amend clause (d) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred nad seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions thereof and the discharge of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survivals of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" eliminating certain provisions relating to foreign fiduciaries selling assigning transferring and receiving the income from certain assets of decedents minors and cestui que trusts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1211, as follows:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and its is hereby enacted by the authority of the same That the sum of one million dollars ($1,000,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of Temple University at Philadelphia for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the university

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1211, the bill just read, be recommitted to the Committee on Appropriations.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1219, as follows:

An Act to amend sections one three eight and ten of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended qualifying members of the General Assembly as members of the State retirement system

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one three eight and ten of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes

retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the day of May one thousand nine hundred and thirty-seven (Act Number) are hereby further amended to read as follows

Section 1 Be it enacted etc That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "Retirement System" shall mean the arrangement for the payment of retirement allowances under the provisions of this act

2 "Retirement Association" shall mean the State employes' retirement association provided for in section three of this act

3 "Retirement Board" shall mean the State employes' retirement board provided for in section four of this act

4 "Secretary of the Commonwealth" shall mean the Secretary of the Commonwealth of Pennsylvania

5 "State Treasurer" shall mean the Treasurer of the Commonwealth of Pennsylvania

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania or as a member of the General Assembly thereof employed and paid in a yearly or monthly basis and in the case of members of the General Assembly on a session basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of assembly as a general State Authority (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such general State Authority were employes of the Commonwealth so long as they remain officers or employes of such general State Authority if such General State Authority shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

7 "Head of the Department" as applied to State employes shall mean the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member and shall include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth

8 "Member" of the retirement association shall mean a State employe who shall be a member of the retirement association established by this act

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred [thirty-five] thirty-seven

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or

appointed and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member.

10 "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not an original member and who is elected reelected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe" Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated when the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

11 "Contributor" shall mean any person who has accumulated deductions in the fund created by this act to the credit of the annuity savings account

12 "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided in this act

13 "Prior service" shall mean all service as a State employe completed not later than the thirty-first day of December nineteen hundred twenty-three and in the case of judges shall mean all service completed prior to becoming a member of the retirement association

14 "Disability Retirement" shall mean retirement as defined in section twelve of this act

15 'Superannuation retirement" shall mean retirement as defined in section thirteen of this act

16 "Superannuation Retirement Age" shall mean as applied to State employes sixty years of age

17 "Final Salary" shall mean the average annual salary earnable by a contributor as a State employe for the five years of service immediately preceding retirement except that at the member's option the salary earnable by a contributor as a State employe for the years beginning June first one thousand nine hundred thirty-three and June first one thousand nine hundred thirty-four shall not be included in determining such "final salary" In the case of a member of the General Assembly "final salary" shall mean the quotient obtained by dividing by four the total compensation received for the last two regular sessions preceding retirement plus the amount received for any special session or sessions during the four year period preceding retirement

18 "Accumulated Deductions" shall mean the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act to the credit of the annuity savings account together with the regular interest thereon

19 "Regular Interest' shall mean interest at four per cent per annum compounded annually

20 "State Annuity" shall mean payments for life derived from contributions made by the Commonwealth of Pennslyvania as provided in this act

21 "Member's Annuity" shall mean payments for life derived from contributions made by the contributor as provided in this act

22 "Retirement Allowance" shall mean the State annuity plus the member's annuity

23 "State Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any State annuity granted and based on contributions made by the Commonwealth of Pennsylvania

24 "Member's Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any member's annuity granted and based on the accumulated deductions of the contributor

25 "State Employes' Retirement Fund" shall mean the fund provided for in paragraph number two in section eight of this act

26 "Contingent Reserve Account" shall mean the account provided for in paragraph number three in section eight of this act

27 "State Annuity Reserve Account" shall mean the account provided for in paragraph number four in section eight of this act

28 "State Annuity Reserve Account Number Two" shall mean the account provided for in paragraph number five in section eight of this act

29 "Member's Annuity Saving Account" shall mean the account provided for in paragraph number six in section eight of this act

30 "Member's Annuity Reserve Account" shall mean the account provided for in paragraph number seven in section eight of this act

Section 3 State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsequent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first six months of employment as a State employe have the option of membership but after the first six months of such employment at a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative department nor the members of any independent administrative board or commission or of any advisory board or commission nor the secretary to the Governor nor the budget secretary nor any member of the General Assembly nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association

The head of each department board commission or other agency of the State government shall see to it that an application for membership is executed by each new State employe within said six months period and that payroll deductions are not delayed beyond said period

Section 8 (1) The fund and accounts created hereby are the State Employes' Retirement Fund the contingent reserve account State Annuity reserve account number two the members' annuity savings account and the members' annuity reserve account

(2) The State Employes' Retirement Fund on and after the first day of July one thousand nine hundred twenty-nine shall consist of all moneys in the several separate funds in the State Treasury set apart to be used under the direction of the State Employes' Retirement Board for the retirement of members of the State Employes' Retirement Association which on the afore-

said date shall be consolidated into one special fund to be known as the "State Employes' Retirement Fund" and thereafter the Treasury Department shall credit to the State Employes' Retirement Fund all moneys received by it from the Department of Revenue arising from contributions by the Commonwealth from the General Fund from the special operating funds and from other agencies and members of the retirement association as hereinafter provided and all interest earned by the investments or moneys of said fund Upon the consolidation of the separate funds as aforesaid there shall be established and maintained by the retirement board for actuarial purposes the several hereinafter named ledger accounts equivalent to and which shall stand in lieu of the several separate funds hereby abolished and all credits to each abolished fund shall be credited by the retirement board to the ledger account hereinafter created to stand in place of said fund

(3) In the month of January nineteen hundred and twenty-six for a period covering the twelve months next preceding and semi-annually thereafter covering the six months next preceding the Commonwealth of Pennsylvania shall from the General Fund from special operating funds and from other agencies pay into the fund created by this act through the Department of Revenue on account of each new member of the retirement association who was a contributor for one or more months of such respective periods such amounts as shall be certified by the retirement board as necessary to provide by such method of payment during the prospective service as State employe of such new member the State annuity reserve required at the time of retirement for the disability or superannuation State annuity allowable by the said Commonwealth under the provisions of this act or required at the time of discontinuance of service under paragraph four section eleven of this act which amount shall be credited by the retirement board to a ledger account to be known as the contingent reserve account The amount so certified by the retirement board shall be computed to bear a ratio to the salary earnable by such new member during the period for which the amount is certified which shall remain constant during his or her entire period of prospective active service and shall be based on such mortality and other tables as shall be adopted by the retirement board and on regular interest

(4) Upon the retirement of a new member an amount equal to his or her State annuity reserve shall be transferred by the retirement board from the contingent reserve account to the credit of a ledger account to be known as State annuity reserve account His or her annuity shall be charged to said State annuity reserve account and paid from the fund created by this act Should said new member be subsequently restored to active service his or her State annuity reserve shall thereupon be transferred from State annuity reserve account to the contingent reserve account Should the State annuity of any such new member be otherwise reduced or discontinued in accordance with the provisions of this act his or her State annuity reserve or such proportionate part of his or her State annuity reserve as corresponds to the amount of the reduction of his or her State annuity shall be transferred from State annuity reserve account to the contingent reserve account

(5) The actuary after making the first valuation required shall determine the present value of the liability on account of all State annuities payable to original members and the percentage of the total compensation paid to all members during the preceding year which is equivalent to one twenty-fifth of the said liability The Commonwealth and other agencies designated by this act shall pay into the fund created by this act through the Department of Revenue annually beginning with the month of June nineteen hundred and twenty-five and until the accumulated reserve equals the present value of said liability the amount as certified by the retirement board which shall be equal to the per centum determined in accordance with this section of the total compensation paid to all members for service during the preceding year which amount shall be credited by the retirement board to a ledger account to be known as State annuity reserve account number two Each annual payment shall be sufficient when combined with that in the fund to the credit of the aforesaid account to provide the State annuities payable by the Commonwealth during the year then current to original members then retired or to be retired as provided in this act Upon the retirement of an original member his or her State annuity shall be charged to the state annuity reserve account number two and paid from the fund created by this act

(6) There shall be credited by the retirement board to a ledger account to be known as the members' annuity savings account the amounts of the accumulated deductions from the salaries of contributors made under such rules and regulations as the retirement board shall prescribe as follows

From the salary of each member including the regular and extra-ordinary session compensation of a member of the General Assembly who is a contributor there shall be deducted and paid into the fund created by this act through the Department of Revenue such per centum of his or her earnable salary as shall be computed to be sufficient with regular interest to procure for him or her on superannuation retirement a member's annuity equal to one one-hundred sixtieth (1/160) if the member has so elected prior to the effective date of this amendment or one one-hundredth (1/100) of his or her final salary for each year of service after the thirty-first day of December nineteen hundred twenty-three but after the effective date of this amendment every person becoming a member shall be required to contribute at the one one-hundredth (1/100) rate except that if the deduction so computed shall exceed seven per centum of his or her earnable salary the member may request the board to be permitted to contribute at the lesser rate and if the board finds that there are reasons which justify such reduction then there shall be deducted seven per centum of his or her earnable salary Provided That those members who have elected to contribute at a five per centum rate prior to the effective date of this amendment may continue such rate of contributions And further provided That a beneficiary restored to service shall not be required to contribute at a per centum rate of his or her earnable salary which is greater than the per centum thereof which he or she was required to contribute prior to his or her retirement The rate per centum of said deductions from salary shall be based on such mortality and other tables as the retirement board shall adopt together with regular interest and shall be computed to remain constant during the prospective service of the contributor

(7) Upon the retirement of a contributor a credit equivalent to the amount of his or her accumulated deductions shall be transferred from the members' annuity savings account to a ledger account to be known as the members' annuity reserve account His or her members' annuity shall be charged to said members' annuity reserve account and paid from the fund created by this act Should said contributor be subsequently restored to active service his or her members' annuity reserve shall thereupon be transferred from the members' reserve account to the members' annuity savings account

(8) No contributor who prior to the effective date of this amendment ceased to make contributions shall be required to continue to contribute to the State Employes' Retirement Fund after he or she shall have become eligible for superannuation retirement if he or she shall have already completed ten years of service but any such contributor may elect at any time before retirement to resume contributions to the fund and shall also have the privilege to pay into the fund an amount equal to the total amount he or she would have contributed had he or she not elected to cease to make contributions Every contributor who after the effective date of these amendments becomes eligibile for superannuation retirement shall be required to continue to make contributions so long as he or she shall remain in State service

(9) A contributor whether an original member or a new member who is in active service on the date when this amendment becomes effective may transfer from the

one one-hundredth-sixtieth (1/160) class to the one one-hundredth (1/100) class Provided That he completes the transfer on or before the thirty-first day of December one thousand nine hundred and thirty-seven Provided also That in the event of such transfer the per centum of salary deductions applicable to such transferred member in the one one hundredth (1/100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction applicable while in the one one-hundred-sixtieth (1/160) class

Where a member has transferred from the one one-hundred-sixtieth (1/160) class to the one one-hundredth (1/100) class as above provided his State annuity upon retirement shall be calculated as follows

(a) For service prior to the time of transfer at the one one-hundred-sixtieth (1/160) rate

(b) For service subsequent to the date of transfer to the date of retirement at the one one-hundredth (1/100) rate

(c) For all service prior to the time of commencing contribution as the time he contributed at the one one-hundred-sixtieth (1/160) rate bears to the total time of contribution and as the time he contributed at the one one-hundredth (1/100) rate bears to the total time of contribution

Section 10 In computing the length of service of a contributor for retirement purposes under the provisions of this act full credit shall be given to each original member by the retirement board for each year of prior service as a State employe as defined in section one paragraphs six and thirteen of this act As soon as practicable after each original member shall have joined the retirement association the retirement board shall issue to him or her a certificate certifying to the aggregate length of his or her prior service Such certificate shall be final and conclusive as to his or her prior service unless thereafter modified by the retirement board either upon application by the member or upon its own initiative The time during which a State employe is absent without pay shall not be counted in computing the service or the average salary of a contributor In the case of a member of the General Assembly full credit shall be given for each year of each elected term of a member and the service allowance shall not be restricted to the time the General Assembly was actually in session

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1227, as follows:

An Act to further amend section eleven of the act approved the seventeenth day of February one thousand nine hundred six (Pamphlet Laws forty-five) entitled "An act to regulate the deposits of State funds to prescribe the method of selecting State depositories to limit the amount of State deposits to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining the same and prescribing penalties for violations of this act" by eliminating the publication of monthly statements of moneys in the State Treasury

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the seventeenth day of February one thousand nine hundred six (Pamphlet Laws forty-five) entitled "An act to regulate the deposits of State funds to prescribe the method of selecting State depositories to limit the amount of State deposits to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining the same and prescribing penalties for violations of this act" as amended by the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred eighty-one) is hereby further amended to read as follows

Section 11 The State Treasurer on the first business day of each month shall render a statement on account to the Auditor General giving in detail the different sums which go to make up the grand total of the amount on that day in the State Treasury including moneys appropriated to the sinking fund Such statement shall include the names of banks banking institutions or trust companies with whom the public funds are deposited with the various amounts of such deposits and shall be verified by oath or affirmation of the State Treasurer and recorded in a book kept for that purpose in the Auditor General's office and such record shall be open for the inspection of the Governor heads of departments members of the Legislature or any citizen of the State desiring to inspect the same [and shall be correctly published in not more than six newspapers one of which shall be published at Harrisburg to be selected by the Auditor General for general information payment of publication to be made from moneys in the State Treasury not otherwise appropriated]

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 1227, the bill just read, be recommitted to the Committee on State Government.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1231, as follows:

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap to the City of Harrisburg for the purpose of impounding water for a water supply and appropriating the moneys received therefrom to the Department of Military Affairs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the consent of the Department of Military Affairs and subject to the approval of the Governor is hereby empowered to lease or rent part or parts of the Military Reservation at Indiantown Gap located in Lebanon and Dauphin Counties to the City of Harrisburg Dauphin County Pennsylvania for the purpose of impounding water for a water supply and in connection therewith the construction of a dam roadways bridges tunnels pipe lines and other appurtenances The lease or rental agreement shall be approved by the Governor and as to form by the Attorney General

Section 2 All moneys received from any such lease or rental shall be paid through the Department of Revenue into the General Fund of the State Treasury and

shall be added and credited to the current biennial appropriation of the Department of Military Affairs and shall be available and is hereby appropriated to the Department of Military Affairs for the purchase of additional land to be used for or in connection with the Military Reservation at Indiantown Gap and for the payment of labor and the purchase of supplies material and equipment deemed necessary for the construction improvement and repair of buildings roads and utility improvements and of additions thereto

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the sceond time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1237, as follows:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College subject to certain reservations the Mont Alto State Forest School and to accept a conveyance from said college of a tree nursery tract

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania through the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters shall have power to convey in the name of the Commonwealth of Pennsylvania to the Pennsylvania State College subject to certain reservations the property of the State Forest School comprising 37.7 acres more or less located partly in the Borough of Mont Alto and the Township of Quincy in Franklin County together with the buildings and improvements thereon erected and to accept a conveyance from the Trustees of the Pennsylvania State College to the Commonwealth of Pennsylvania of the tree nursery of five acres more or less located at the intersection of Mont Alto and Tomstown Roads at the entrance of the Pennsylvania State Forest School Franklin County which is bounded by properties of D M Wertz the Protestant Episcopal Church State Forest land Corbin Elden and John Parker

The deed of conveyance for said state forest school property shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth The deed for the conveyance of the tree nursery tract to the Commonwealth after being recorded in the office of the recorder of deeds of Franklin County shall be deposited with the Department of Internal Affairs Both of such deeds shall be approved by the Department of Justice

Section 2 The buildings to be included in said conveyance of the State Forest School by the Commonwealth to the Pennsylvania State College shall include the dormitory cottage number one Weistling Hall cottage number two cottage number three Science Hall and the garage but said buildings shall be conveyed subject to the following reservations

(a) That the Department of Forests and Waters shall have the right to use cottage number one for such period of time as it deems necessary as a residence for the district forester

(b) That the Department of Forests and Waters shall have the right to occupy and use for such period of time as it deems necessary the quarters in Science Hall now used as a district office and forest research offices and shall retain title to the furniture equipment books and instruments therein located and

(c) That the Department of Forests and Waters shall have the right to occupy and use three rooms in Weistling Hall selected by it and the furniture and household furnishings therein located for such period of time as it deems necessary

All other furniture fixtures and other personal property not so reserved shall become the property of the Pennsylvania State College

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1260, as follows:

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation to be paid attendance officers and home and school visitors in school districts of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand four hundred and thirty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1087) is hereby further amended to read as follows

Section 1436 Such attendance officers or home and school visitors may be employed for the full calendar year and shall be paid such amounts and in such manner as the board of school directors appointing them may decide and they shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them [Provided That in districts of the first class the compensation shall not be less than twelve hundred dollars ($1,200) per annum]

Provided the minimum salaries of attendance officers and home and school visitors shall be paid by districts of the first class in accordance with the following schedule Attendance officers and home and school visitors in elementary schools minimum annual salary one thousand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of increments ten (10) No such school district of the first class shall after the enactment of this amendment reduce the compensation of any attendance officer below that paid on the effective date of this act Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof in such detail as said Superintendent of Public Instruction shall request

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTION RECALLING FROM THE SENATE SENATE BILL No. 749

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 17, 1937.

Resolved (if the Senate concur), That Senate Bill No. 749, entitled:

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance, exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by the Workmen's Insurance Fund providing penalties and repealing existing laws," requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance; prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

which was passed by the House May 12 with amendments and messaged to the Senate for concurrence, be recalled by the House from the Senate for further amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 20 RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 20, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverages, and providing penalties, and for the revocation of licenses and permits.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were considered in the Senate and the bill amended.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 794

He also informed the Senate that the House had adopted the Report of the Committee of Conference on House Bill No. 794, entitled:

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "Small Loan Act (Loan Brokers Registration)," enlarging the powers of the Secretary of Banking; authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act.

On the motion.

Will the Senate agree to the Report?

Mr. SHAPIRO. Mr. President, the House in its report has accepted the amendments made by the Senate to House Bill No. 794, and therefore, I move that the Senate concur in the Report of the Conference Committee. This bill is the Small Loans Act which originally came from the House with a 1½% interest rate on loans up to $100.00, and the Senate amended to 3% per month on loans not in excess of $150.00 and 2% on loans from $150.00 to $300.00 and the House and Senate Conference Committees accepted the action of the Senate, therefore I suggest, Mr. President, that we accept the Report of the Conference Committee.

Mr. BUCKMAN. Mr. President, unless the Senate suspends the rules, I submit it must be noted on the Calendar.

The PRESIDENT. That is correct, it will be noted on the Calendar.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 916 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 916, entitled:

An Act to amend section one of the act approved the seventeenth day of June, one thousand nine hundred nineteen (P. L. 1025), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "Mercantile License Tax Law," by providing for the annual appointment by the Auditor General, of mercantile appraisers in cities of the first class.

and has appointed Messrs. Blank, Walsh and Hamilton a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. LAW. Mr. President, I move that the Senate insist upon its amendments and that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two Houses in relation to said bill.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS TO HOUSE BILL No. 1157, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 1157, entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending said act to motor boats on boundary waters; increasing license fees; providing for new license plates each license year, and

fixing license years; and regulating the installation and use of mufflers.

and has appointed Messrs. Achterman, LaRue and Walsh, as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. LAW. Mr. President, I move that the Senate insists upon its amendments and that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives, already appointed, to consider the differences existing between the two houses in relation to said bill.

Mr. FREY. Mr. President, I second the motion.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 1360

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1360, entitled:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws, three hundred and nine), entitled "Public School Code;" as amended, extending the time within which appeals from auditors' reports may be taken.

HOUSE CONCURS IN SENATE AMENDMENTS TO FINAL ADJOURNMENT RESOLUTION

He also presented communication from the House of Representatives informing the Senate that the House had concurred in amendments made by the Senate to Resolution as follows:

Resolved (if the Senate concur) That this regular session of the General Assembly adjourn sine die, Friday, May twenty-eighth, 1937, at 12 o'clock noon.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 608, (Senate Bill No. 1319), entitled:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof repealing inconsistent legislation and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act

Which was committed to the Committee on Judiciary General.

House Bill No. 851, (Senate Bill No. 1320), entitled:

An Act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations and persons; providing for the regulation of public utilities, including certain municipalities engaging in a public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers, in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission, the power and duty of supervising and regulating persons and corporations, including certain municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed or kept by persons or corporations subject to this act; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways, to appropriate properly for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons and corporations, including municipal corporations subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission, and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive jurisdiction over certain proceedings; prescribing penalties, fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by, or inconsistent with, this act.

Which was committed to the Committee on Public Utilities.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 22, entitled:

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" creating said commission as a departmental administrative commission in the Department of Highways amplifying the powers of said commissions to include the industrial and agricultural educational interest and other facilities advantags and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

Senate Bill No. 64, entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin.

Senate Bill No. 65, entitled:

An Act to amend section one of the act, approved the seventh day of April, one thousand eight hundred seventy (P. L. 57), entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin, in cases wherein the Commonwealth may be plaintiff, and to provide for the issuing of writs of foreign attachment in such cases," by extending the provisions of the

said section to the judges of the Orphans' Court of Dauphin County.

Senate Bill No. 814, entitled:

An Act to amend the act, approved the seventeenth day of July, one thousand nine hundred and thirty-five (P. L. 1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner, and repealing existing laws," empowering the Insurance Commissioner to make periodical examination of such societies, and requiring such societies to furnish the Insurance Commissioner with any information he may desire; providing penalties.

House Bill No. 32, entitled:

An Act to amend clause (b) of section three thousand two hundred and forty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," as amended, providing for compensation for members of joint sewer boards.

House Bill No. 817, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

House Bill No. 905, entitled:

An Act prohibiting industrial police from carrying weapons when not on duty; requiring them to leave the same at place of employment; and prescribing penalties.

House Bill No. 1113, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, and one thousand nine hundred and thirty-five, and validating the liens of such taxes.

House Bill No. 1172, entitled:

A Joint Resolution proposing an amendment to section one, Article nine of the Constitution of the Commonwealth of Pennsylvania.

House Bill No. 1360, entitled:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws, three hundred and nine), entitled "Public School Code;" as amended, extending the time within which appeals from auditors' reports may be taken.

House Bill No. 1411, entitled:

An Act to further amend the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "Optometrists' Licensure Law," by conferring certain powers on the State Board of Optometrical Examiners; further regulating and providing for the licensing of branch offices; prescribing additional grounds for refusing, concelling, revoking or suspending licenses; and making certain changes as to persons who are and those who are not subject to the provisions of the act.

Whereupon,

The PRESIDENT PRO TEMPORE, (Mr. Harvey Huffman) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 687 (House Bill No. 1078), entitled:

An Act to amend clause thirty-four of section two thousand four hundred three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred thirty-two) entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by extending the provisions for appropriations to posts of veterans.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 718 (House Bill No. 1080), entitled:

An Act authorizing cities of the first and second class and second class A and incorporated towns to make appropriations to organizations of ex-service men to aid in defraying the expenses of Memorial Day and Armisitice Day.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 839 (House Bill No. 1250), entitled:

An Act to prohibit the sale and offer for sale of the labeled artificial flowers of certain veterans' organizations except on the days appointed for such purpose.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 841 (House Bill No. 1277), entitled:

An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (P. L. 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefor without charge" as amended prohibiting the peddling of labeled flowers of certain veteran's organizations and miniature American flags.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1032 (House Bill No. 1567), entitled:

An Act to amend section two and section nine as amended of the act, approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled 'An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" further regulating the making of payments to representatives of persons who cannot personally receive compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1036 (House Bill No. 1977), entitled:

An Act to amend sections three seven eight fifteen twenty-four and twenty-eight sections fourteen thirty-four and thirty-eight as amended sections eighteen and sixty-one as amended sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for the reorganization of the division changing the designation Staff Corps and Departments to State Staff and Detachment defining the powers of the division commander providing for the vacation of commissions upon transfer to the Inactive National Guard making the period of enlistment and qualifications conform to the National Guard Bureau requirements defining the duties of the Adjutant General providing for the elimination of officers or warrant officers by courts of inquiry changing the basic annual allowance for mounted troops and increasing the minimum allowance providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains providing a term of office for staff and warrant officers and eliminating an obsolete reference to five year terms providing that any sheriff or constable may receive and confine military offenders providing that any division commander may appoint a general court-martial providing for the collection of court-martial fines and execution of sentence of court-martial and rescinding obsolete provisions referring to staff officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1168, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard," as amended, by the act approved the twelfth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws six hundred eighty-one), by providing that service in excess of thirty-nine years and five months may be counted as more than forty years of service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1273 (House Bill No. 523), entitled:

An Act to amend section two of the act approved the eleventh day of May, one thousand nine hundred and twenty-three (Pamphlet Laws two hundred three), entiled "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged and having an honorable discharge therefrom shall receive credit for the experience and training derived from such service in civil service examinations," by giving such persons certain additional preferences in civil service examinations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1274 (House Bill No. 524), entitled:

An Act to amend section nine of the act approved the thirty-first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties," by providing for preferences to veterans in the appointment of such officers, firemen, operators and inspectors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1275 (House Bill No. 525), entitled:

An Act to amend clause A of section three hundred two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws fifteen, 1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, tarffic in and use of alcohol and alcoholic and malt or brewed beverages, conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction, other officers of the State government, courts and district attorneys, authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises, forbidding importation or bringing of such beverages into the State except as herein provided, prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others, making disposition of the receipts from State stores and of fees and imposing penalties," as reenacted and amended, providing further preferences to veterans in civil service examinations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1284 (House Bill No. 1755), entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospitalization for subscribers, prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization, conferring powers on the Insurance Department and the Department of Welfare, exempting such corporations from taxation and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1287 (House Bill No. 1780), entitled:

An Act to amend section five and sections sixteen, seventeen and twenty-one as amended of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred and ten) entitled "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions, establishing a State Athletic Commission, making an appropriation therefor and appropriating moneys, received for monument and memorial purposes and prescribing penalties," by providing for promoters, partnerships and copromoters, a bond to protect contestants, managers and officials, changing license fees for promoters, boxers, seconds, managers and wrestlers and requiring payments to the Commonwealth for complimentary tickets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORT FROM COMMITTEE

Mr. RUPP. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP from the Committee on Judiciary General re-reported as committed, Senate Bill No. 20, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverages and providing penalties and for the revocation of licenses and permits.

ANNOUNCEMENTS BY THE SECRETARY

The following committees will meet:

Committee on Public Health will meet on Wednesday, May 19, Room 402 at 11:00 a. m.

Commtitee on Legislative Apportionment, Wednesday, May 19, in Room 265, at 10:30 a. m.

Committee on Elections will hold a public hearing on Thursday, May 20, in the Senate Caucus Room at 7:30 p. m.

A Public Hearing will be held on Senate Bill No. 754, by the Committee on Insurance in the Senate Caucus Room, Tuesday, May 18, at 4:00 p. m.

Committee on Banking will meet on Tuesday, May 18, Room 265, immediately after adjournment.

Committee on Labor and Industry will meet on Tuesday, May 18, in Room 400, at 10:30 a. m.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon, tomorrow.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until twelve o'clock noon tomorrow, Tuesday, May 18, 1937.

HOUSE OF REPRESENTATIVES

MONDAY, May 17, 1937.

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Almighty God, we acknowledge Thee as our Lord and Master. We seek to wear Thy helmet of salvation, Thy breastplate of righteousness, and to be crowned with the diadem of eternal life. We seek not these honors by pomp and parade, but by loyalty to simple and honest living. He who liveth well, laughs often and loveth much, has claim to Thy favor. That we might act tonight true to our convictions, we ask Thy divine help.

We would remember unto Thee, O Lord, our Honorable Governor in his sorrow in the loss by death of his loving sister. Through Thee we extend our sympathy, and we ask Thy blessing upon him and his sorrowing family.

In Christ's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, May 12, 1937.

The Clerk proceeded to read the Journal of Wednesday, May 12, 1937, when, on motion of Mr. FISS, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

OATH OF LOYALTY

A Resolution from the National Auxiliary United Spanish War Veterans Department of Pennsylvania urging legislation requiring teachers to take the oath of "Loyalty to our Country.

Referred to the Committee on Military Affairs.

WORK RELIEF

A Resolution from the Luzerne County Unemployed League, Inc., favoring continuance of State Sewing Projects.

Referred to the Committee on Welfare.

LEAVE OF ABSENCE

Mr. Arnold asked and obtained leave of absence for Mr. DECKER.

SENATE MESSAGE

The Clerk of the Senate being introduced presented ex-

tracts from the Journal of the Senate which were laid upon the table.

BILL SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 140.

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto a section

HOUSE BILL No. 150.

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

HOUSE BILL No. 645.

An Act to authorize cities boroughs towns townships counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks playgrounds streets and other improvements and facilities by exercising certain other powers and by making agreements relating to such aid to authorize cities boroughs towns townships and counties to contract with respect to the sums to be paid them for improvements services and facilities to be provided for the benefit of housing projects and the occupants thereof to authorize certain cities and counties to make an appropriation for the first years' administrative expenses of housing authorities and to authorize certain cities boroughs towns and counties to pay moneys to housing authorities

HOUSE BILL No. 647.

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and employes commence actions to prevent violations of law and to surcharge members of authorities supervise rentals charged by limited dividend companies charge fees for services providing for the selection and removal of the board's employes providing for appeals from its orders and making an appropriation

HOUSE BILL No. 1043.

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for State purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes

HOUSE BILL No. 1572.

An Act to amend sections one eight eleven and thirteen of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels.

SENATE BILL No. 104.

An Act authorizing boroughs that have relying on invalid bond issues authorized by the electors entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed to provide for the payment of the reasonable value of such performance to contract for completion and to increase their indebtedness therefor and validating ordinances agreements increases of indebtedness and bonds heretofore adopted entered into issued or to be issued to accomplish such purposes

SENATE BILL No. 188.

An Act relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them

SENATE BILL No. 388.

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drug' prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs

SENATE BILL No. 607.

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law.

SENATE BILL No. 707.

An Act authorizing the election of officers of certain corporations of this Commonwealth created by special act of assembly prior to January 1 1874 to be held in accordance with the provisions of by-laws duly adopted by their shareholders

SENATE BILL No. 709.

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized; and prescribing the powers and duties of Courts of Common Pleas in relation to such liquidations.

SENATE BILL No. 745.

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner defining non-cancellable health and accident insurance

SENATE BILL No. 746.

An Act to amend section two hundred and two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by extending the purposes for which companies may be incorporated to include insuring glass against all risk insuring any goods or premises against any and all loss caused by water and insuring moneys and securities against all risk

SENATE BILL No. 747.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing the manner in which dividends on contributory group insurance policies are to be apportioned

SENATE BILL No. 755.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 60, 302, 569, 980, 1176, and 1188

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 60, Printer's No. 611, entitled "An Act to amend the title and sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286), entitled "An act empowering cities (except cities of the first class) boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems, and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon," extending the provisions thereof to cities of the first class, providing for the charging and collection of annual rentals for the use of sewers, sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or private corporation.

House Bill No. 302, Printer's No. 270, entitled "An Act to amend the title and section one of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred seventy-seven) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" clarifying the provision of said act as to payments to disabled policemen and firemen and providing for the payment over of workmen's compensation to the city borough town or township

House Bill No. 569, Printer's No. 226, entitled "An Act to amend sections three and nine of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 650), entitled "An act requiring persons, associations, partnerships, and corporations, and their agents, herein defined as dealers and brokers, engaging in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of certain domestic animals, to be licensed by the Department of Agriculture; providing for the revocation of such licenses; imposing certain duties on such dealers and brokers, and their agents; conferring powers on said department: and providing penalties," by providing for the payment of license fees for dealers and brokers and their agents.

House Bill No. 890, Printer's No. 151, entitled "An Act to amend section two thousand five hundred eighty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" correcting a defect in said section by supplying omitted matter

House Bill No. 1176, Printer's No. 520, entitled "An Act to amend article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled 'An act for the government of cities of the second class' as amended removing the authority if the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment."

House Bill No. 1188, Printer's No. 479, entitled "An Act to amend section eight hundred two of the act approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws one hundred three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto" providing for competitive bidding on contracts.

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1299 and 1477

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1299, Printer's No. 519, entitled "An Act to establish a separate orphans' court in and for the County of York."

House Bill No. 1477, Printer's No. 592, entitled "An Act authorizing the authorities in any city of the first class to stipulate certain mehtods for the payment of local assessments."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1692

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1692, Printer's No. 825, entitled "An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 114, 746, 747 and 751

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 114, Printer's No. 450, entitled, "An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superintendents of schools and imposing certain expenses on counties.

House Bill No. 746, Printer's No. 97, entitled "An Act to further amend section one of an act approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-seven) entitled, "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes for continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes, providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission, providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts, authorizing the deparment to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions, providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges," by adding thereto county and township bridges over mill races.

House Bill No. 747, Printer's No. 94, entitled "An Act to amend section fourteen of the act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring borough and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commission or to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highways, and procedure therein, providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated towns with Commonwealth governing same, providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or

destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by changing the requirements for publics notices of proposals for construction, reconstruction or improvement of all State highways under the provisions of this act.

House Bill No. 751, Printer's No. 102, entitled "An Act authorizing the Secretary of Highways with the approval of the Governor to enter into agreements with private owners of bridges other than toll bridges forming part of a State highway or a continuation thereof or connecting two State highways for the acquisition of such bridges or for the division of responsibility for such maintenance thereof

GEORGE H. EARLE.

SENATE MESSAGE

AMENDED RESOLUTION RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned resolution from the House of Representatives as follows:

In the House of Representatives, May 3, 1937.

Resolved (if the Senate concur), That this regular session of the General Assembly adjourn sine die, Friday, May twenty-first, 1937, at 12 o'clock noon.

Signed by the House Committee on Rules:

ROY E. FURMAN
HERBERT B. COHEN
JOSEPH A. SIMON
JOHN J. O'KEEFE
LEO A. ACHTERMAN
JOSEPH OMINSKY

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

Amend resolution in last line, by striking out after the word "Friday" the words and figures "May twenty-first, 1937" and inserting in lieu thereof the words and figures "May 28, 1937".

On the question,

Will the House concur in the amendment made by the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. LaRUE, from the Committee on Welfare, reported as committed, House Bill No. 1116, entitled:

An Act to provide a system to provide for a uniform system of poor relief administration throughout the Commonwealth through county bureaus of welfare under the county commissioners and through the Department of Public Welfare in cities co-extensive with counties; providing for referendums; prescribing the powers and duties of the agencies charged with the care of the poor; abolishing certain poor districts and terminating the terms of poor district officers; providing for the disposition of poor district property; for the transfer of poor persons, and for the purchase of lands and the erection of buildings and providing for the levy of taxes.

Mr. NAGEL, from the Committee on Welfare, reported as committed, House Bill No. 1114, entitled:

An Act providing for the administration of public assistance laws including mothers assistance, old age assistance, unemployment relief assistance and blind pensions; creating county boards of assistance and abolishing boards of trustees of the Mothers Assistance Fund, boards of trustees of Pension Fund for the Blind, and various unemployment relief agencies; and prescribing the powers and duties of such boards; conferring powers on the Governor and county commissioners; imposing certain duties on county treasurers, the Auditor General and the Department of Welfare; and relieving counties from certain costs and expenses.

Mr. STANK, from the Committee on Welfare, reported as committed House Bill No. 1115, entitled:

An Act to amend article twenty-three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions, and prescribing the manner in which the number and compensation of the deputies and all other assstants and employes of certain departments, boards and commissions shall be determined;" prescribing the powers and duties of the Department of Welfare with respect to the administration of public assistance laws.

Mr. REESE, from the Committee on Welfare, reported as committed, House Bill No. 1791, entitled:

An Act to provide reimbursement for hospitals, on account of expenses of the care of indigent persons injured in motor vehicle accidents, imposing powers and duties upon certain State departments, and making an appropriation from the Motor License Fund.

Mr. REESE, from the Committee on Welfare, reported as committed, House Bill No. 1784, entitled:

An Act to further amend section three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," by making a portion of the moneys in the Motor License Fund available for administering the law providing reimbursement for hospitals for services to indigent victims of motor vehicle accidents.

Mr. WEIDEMANN, from the Committee on Ways and Means, reported as amended, House Bill No. 2242, entitled:

An Act to amend section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one, (Pamphlet Laws 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing

certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by making further provision regarding the discount allowed to distributors if reports are filed and taxes paid on time.

Mr. FITCH, from the Committee on Labor, reported as committed, House Bill No. 2268, (Senate Bill No. 759), entitled:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

Mr. McDEVITT, from the Committee on Welfare, reported as amended, House Resolution No. 81.

BILL RE-REFERRED

Mr. ACHTERMAN returned from the Committee on Welfare with the recommendation that it be re-referred to the Committee on State Government, House Bill No. 1892, entitled:

An Act to regulate and improve the administration of public assistance in the Commonwealth of Pennsylvania; establishing a personnel director for the Department of Assistance; providing a merit system for the employment, promotion, and dismissal of employes of the State Department of Assistance; and providing for appeals in all matters pertaining to this act.

The SPEAKER. The bill is now re-referred to the Committee on State Government.

STATEMENT BY MR. ARNOLD

Mr. ARNOLD asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I wish to speak for a few minutes in appreciation of the legislative program of this session as it affects we people of the agricultural and rural sections of our Commonwealth.

I personally feel that this Legislature has been very considerate of these rural interests and I have been asked by the Department of Agriculture to express their appreciation for the legislation which they feel will enable their Department to do a better job in behalf of agriculture in Pennsylvania.

I also feel that when the laws we are passing here in behalf of the farmer become effective and their true worth recognized by the folks back home we will see another very distinct demonstration of appreciation.

This word of appreciation should go directly to you members here from the cities and other urban centers who have co-operated in the passing of our rural program. You were no doubt annoyed at times and some of our technical problems were probably just as uninteresting to you as some of yours were to us. I want to assure you, however, that this rural legislation is worth while and will continue to be worth while.

Our new Milk Control Law, the first permanent act of this kind in the United States will affect approximately one hundred and fifty thousand farmers giving them more security against the many hazards perculiar to the dairy industry. This act has already proven its worth in one instance when just last week, three weeks after its enactment, it was upheld in the Lancaster County Court before two very eminent Judges as constitutional and as an effective instrument in protecting farmers' interests.

The Bang's Disease Indemnity Bill has a common health interest in addition to compensating those farmers who are having their herds confiscated through no fault of their own when this most devastating disease breaks out.

The importation of diseased cattle into our State has always been a menace to both the farmer and society generally, and our legislation to license and supervise these importing cattle dealers should go a long way to improve this condition.

The Pennsylvania Potato crop is the second in value in our entire nation, and our legislation relative to labeling and measuring will give the Pennsylvania potato farmer an equal opportunity in the markets that he has never had before.

Appropriations have been made to fight wild-fire in tobacco, a relatively new disease, which is threatening our entire tobacco growing areas. In this connection the entire commercial production of a certain type of tobacco is produced in Pennsylvania, Ohio and Puerto Rico.

The butter law, the sausage law, the ice cream law, the bakery law, the plant pest law and the pure food laws all received constructive amendments during this session that will be benecial to us of the up State districts.

To me this legislation along with many other important measures such as soil conservation, soil erosion, restriction of dishonest advertising, participation in the World Poultry Congress, bonding commission merchants and tobacco production control, being considered in the interests of rural people, is an indication that this Legislature has recognized the inter-dependence of all classes and all people and all interests of our Commonwealth and particularly a recognition of the absolute necessity of bringing about conditions in rural Pennsylvania when the money and time spent in agricultural enterprise will yield equal to that in other interests and professions.

And may I say in this connection that while a lot has been done during this session there is still a lot to do. It has been said and many figures indicate that the average wage a farmer works for or is able to pay is far below that of any other large comparable group in this Commonwealth. There is more obsolete and worn out equipment used on our farms than in most any other field all because the earning power has been insufficient to replace it. The urge to use labor and to buy farm equipment, appliances, building materials and practically everything that is for sale has been planted in the minds of farmers and the only thing that is holding back this gigantic tide of business is this lack of purchasing power due in most instances to the unfavorable circumstances to which the farmer has been subjected in the past.

If you people from the cities will continue to help us from the country with legislation, good will and sympathetic consideration as we endeavor to get the cost of production plus a reasonable profit under a wage scale comparable to that of other industry, I assure you that we farmers who are operating approximately two hundred thousand farmers in Pennsylvania consisting of over fifteen

million acres of ground and representing a good big proportion of the population of the Commonwealth will give you a good price and will buy in such quantities that you will not be able to take care of the business.

So in closing this short statement I want to again think this Legislature for what it has done and assure you here that what you have done in this connection has been worth while; and should we ask more of you in this session or from those of you who will be here in future sessions, be assured that everything you do to help the farmer will be immediately reflected back in your own business and will be of great benefit to the Commonwealth as a whole.

STATEMENT BY MR. ZAPPALA

Mr. ZAPPALA asked and obtained unanimous consent to make the following statement:

Mr. Speaker, and members of the House: Under House Resolution No. 34, printer's number 197, of the Special Session of 1936, a committee was created for the purpose of making a survey of the State, and to recommend to the next Session of the Legislature a comprehensive plan of Reapportionment, to provide for the Legislative Districts in conformity with Article II, Section 17 of the Constitution.

The following members were appointed by the Speaker of the House: Frank J. Zappala, Chairman, Harry J. Brownfield, Michael C. Chervenak, Jr., James E. Lovett, Benjamin L. Long, John J. McDevitt, Richard M. Simpson.

With the opening of the present Session of the Legislature, this Committee very diligently commenced its work under the Resolution, and after several months of careful study, this Committee made certain definite recommendations to this House. The Committee Report, with its findings, was filed, and you find it in your Legislative Journal under date of February 23, 1937.

I may read to you briefly part of the findings of this Committee:

(1) That Sections 17 and 18 of the Constitution of the Commonwealth of Pennsylvania have been violated, and the present arrangement is illegal.

(2) This committee further finds that the present arrangement is not only illegal but inequitable.

(3) This committee recommends that the mandate of the Constitution of the Commonwealth be no longer ignored, and that a scientific bill be presented giving the people of Pennsylvania proper representation.

(4) That a Reapportionment bill be presented by Representative Frank J. Zappala, Chairman of this Committee as well as Chairman of the Re-Districting Committee charged with drafting a Bill of Reapportionment to be presented to the House.

This brief resume merely confirms the moral obligation resting upon every member of the Legislature, to comply with fidelity to the obligation of their oath of office, namely, to obey the Constitution of Pennsylvania. That Constitution in clear, emphatic and mandatory language, says that Reapportionment shall take place every ten years, and with this obligation in mind, I, as Chairman of this Committee, presented a Reapportionment Bill under date of March 23, 1937 to the House, which bill is now known as House Bill No. 1817.

This bill now lies in the Legislative Reapportionment Committee, and a sub-committee was appointed last week; and if this bill is not reported out at this Session of the Legislature, I emphatically state that the members of the House will subject themselves to severe criticism throughout the entire State for continuing to ignore the mandate of the Constitution in this respect.

Furthermore, Mr. Speaker and members of the House, the Democratic party has pledged its support of this measure, in order to remedy the evil that has existed for years, and I am inclined to believe that unless this bill is reported out and enacted during this Session of the Legislature, a most embarrassing situation will develop.

We know that the mandate of the Constitution of Pennsylvania has been ignored by former Legislatures. They touched upon it lightly in 1907—made a farce of it in 1921—but the last real reapportionment was made 53 years ago. The great mass of the people of Pennsylvania looks hopefully to this Legislature, which has passed so many laws that are of benefit to them, for the enactment of this legislation, thus giving them the representation to which they are rightfully entitled and which has been denied them for such a long period of time; and I earnestly urge you to rally to the aid and support of this bill, that it may be reported out of committee and passed, thus proving that the people's trust has not been misplaced, and that we may return to our homes at the close of this session with that feeling of satisfaction over a task well done, and with the full consciousness of having carried out to the letter our oath of office.

SENATE MESSAGES

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 32.

An Act to amend clause (b) of section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended providing for compensation for members of joint sewer boards.

HOUSE BILL No. 817.

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Comonwealth of Pennsylvania.

HOUSE BILL No. 905.

An Act prohibiting industrial police from carrying weapons when not on duty requiring them to leave the same at place of employment and prescribing penalties.

HOUSE BILL No. 1113.

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated land for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and validating the liens of such taxes.

HOUSE BILL No. 1172.

A Joint Resolution proposing an amendment to section

one Article nine of the Constitution of the Commonwealth of Pennsylvania.

HOUSE BILL No. 1411.

An Act to further amend the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by conferring certain powers on the State Board of Optometrical Examiners further regulating and providing for the licensing of branch offices prescribing additional grounds for refusing cancelling revoking or suspending licenses and making certain changes as to persons who are and those who are not subject to the provisions of the act

With the information that the Senate has passed the same without amendment.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concured in by the House of Representatives, to House Bill No. 228, entitled:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 228.

Mr. STANK. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 228, Messrs. James W. Patterson, Coleman and Weidemann.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL No. 851 MADE A SPECIAL ORDER

Mr. OMINSKY. Mr. Speaker, I move that House Bill No. 851, Printer's No. 883, entitled:

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteraton relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations including municipal corporations subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act.

on page 21, of today's calendar, bills on third reading be made a special order of business on Monday May 17, 1937 at 10:30 p. m.

The motion was agreed to.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 639

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 639, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the Common Pleas Court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

And has appointed Messrs. Dent, McGinnis and Mallery a Committee of Conference to confer with a similar

committee of the House of Representatives (if the House of representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. YOURISHIN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 639

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 639, Messrs. Yourishin, Brown and Stackpole.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 185.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 185, Printer's No. 508, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky, vote on the final passage of this bill?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 2 by inserting after line 24 the following new section: "Section 4 This act shall become effective immediately upon its final enactment"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1712

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1712, Printer's No. 602, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. SARRAF. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Weiss, vote on the final passage of this bill?

Mr. SAMUEL A. WEISS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Sarraf, vote on the final passage of this bill?

Mr. SARRAF. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. SAMUEL A. WEISS. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 1, line 1 of the title, by striking out the words: "an act", and inserting in lieu thereof the words: "a supplement".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1779.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1779, Printer's No. 795, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORRGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. McGEE. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. McGee, vote on the final passage of this bill?

Mr. McGEE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. McGEE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 1, line 9 of the title, by inserting after the word "exchanges" and before the word "including" the following: "and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

Mr. McDevitt. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section one (1) page three (3) line one (1) by striking out ofter the word "liability", and before the word "title" the words "fire marine".

Amend section one (1), page three (3), line three (3), by inserting after the word "insurance" and before the word "or" the words: "except contracts of fire or marine insurance".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is here objection?

Mr. McGEE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE ON HOUSE BILL No. 608

The SPEAKER. The Chair lays before the House the special order of business on third reading and final passage fixed for this time, House Bill No. 608, Printer's No. 660, on page 1 of today's calendar.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 608, entitled:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof repealing inconsistent legislation and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. BOIES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Falkenstein.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. FALKENSTEIN. I will, Mr. Speaker.

Mr. BOIES. I desire to ask the gentleman from Philadelphia, Mr. Speaker, if in his opinion the passage of this bill will in any way lessen the crime of murder in this Commonwealth.

Mr. FALKENSTEIN. Mr. Speaker, in my opinion it would.

Mr. BOIES. Mr. Speaker, I desire to ask the gentleman if it is not true under the existing law in this Commonwealth it is within the right of the jury and the court to set a sentence at life imprisonment on conviction of first degree murder now?

Mr. FALKENSTEIN. That is right, Mr. Speaker.

Mr. BOIES. Mr. Speaker, I would like to ask the gentleman from Philadelphia if he knows the percentage or number of men sentenced to life imprisonment who over served life imprisonment?

Mr. FALKENSTEIN. I do not, Mr. Speaker.

Mr. BOIES. Mr. Speaker, I desire to thank the gentleman from Philadelphia and ask permission to speak a few words on this bill.

Mr. Speaker and members of the House, I did not intend to speak on this bill, and I refrained from doing so when the bill was first reported to this House, but when such a measure as this, to which I am unalterably opposed, comes before the House a second time with a chance of passage, I can no longer refrain from opposing it. I hesitated to op-

pose it because of my regard for the gentleman from Philadelphia, Mr. Falkenstein, and my regard for his motives and his honesty of purpose in introducing this bill. But nevertheless, even though the opponents of a measure like this are usually charged with lacking in human charity or being prejudiced, I feel very strongly on this matter, and though I may have to plead guilty of being prejudiced, nevertheless, I believe that I am justifiably prejudiced, if there can be any such thing. All of us can be sentimental and very highly idealistic about such a thing as this measure when it does not affect us personally. When such a thing as murder is brought on to us personally, it is a different matter, and I happen to be one of those who has had such a tragic misfortune in my own family. I therefor feel that my opposition may be excuseable in this case. What do the proponents of this measure expect to gain? Surely to say that it will lessen crime in this Commonwealth is just as ridiculous as to say that it will cut down burglary or cut down theft if we cut the sentence for burglary. Just a short time ago one of the members of this House told me that some time ago he visited a convicted murder in his death cell in prison. The man was deep in despondency until my friend told him that his sentence was to be commuted, and he sprang to his feet and asked if that was true, and he laughed and said that he would be out in a few years. That is the attitude of all such persons.

If we pass such a sentimental measure as this, we do nothing more, in my opinion, than open the doors to abuse of the parole and pardon system. Now, I would not have anybody believe that I was opposed to the parole and pardon system, but I know that no such system is anywhere nearly perfect, as witness the recent crime in Coatesville, committed by a convict who had been paroled.

I believe the gentleman from Philadelphia, Mr. Schor spoke in favor of this bill when it was first on the floor of this House, and he made some comparisons between this country and England, which in my opinion were very erroneous. He said that many years ago there were many crimes in England that were punishable by death. That is true, and he said that crime then was more rampart than it is now, when the only crime punishable by death is murder. That may also be true, I submit to you members of the House that there are few if any convicted in England of murder who escape the death penalty, and it is therefore a question in my mind not whether or not it is certainty of punishment that cuts down the crime in England, but whether or not it is the certainty of the death penalty for murder. There are fewer murders in the Kingdom of Great Britain than there are in one of the large cities of the United States in one years's time.

We are asked, members of the House, to suport this bill on religious grounds. I do not pretend to be any authority on holy writ, but I do know that it stays there that the murderer shall pay with his life, and I don't know of any place where it says he shall be put in prision for life, and I say that these people and these organizations who are backing this measure are looking for reforms to back, that there are many laws which are too severe, that there are many social evils which even we Democrats have not corrected that they can work on, without turning loose made beasts on this Commonwealth to continue to commit murder as they have before.

We all know that every criminal who is tried for murder would rather be sentenced to life or some term in prison than death. If anyone is so foolish as to ask death before the court, he is immediately adjudged insane and put into an institution for the criminal insane. It surely will not benefit society as a whole, it will not be for the benefit of the family, it will only benefit the murderer, and I ask that you members of the House, and I submit that the law as it is in this State, giving the jury and the court the power to set life imprisonment, where the evidence warrants that, should not be changed, and we should not put ourselves in a position of saying that we do not believe the rights of a murderer are protected, and that we are going to extend privileges to him. We should in all fairness and a sense of good judgement give the courts and the juries of this Commonwealth the power to say that in the event the evidence so warrants and the crime is so revolting that was committed, that that person should pay with his life, and not simply like revoking an automobile driver's license and taking him out of circulation, and then giving him a tap on the head with an admonition to go out and not do it any more.

I ask the membership of this House to vote "no" on this bill.

Mr. SHEPARD. Mr. Speaker and members of the House, I rise in support of this bill because I feel that in doing so I am supporting one of the most humane measures that has been presented to this House during this entire session. This law of capital punishment is the law of the jungle, an eye for an eye and a tooth for a tooth. In fact, it is not even good jungle law, because even in the old days there were cities of refuge where a man who had committed crime could flee and find protection, but the State of Pennsylvania there is not even a city of refuge, but we must abide by the decision of a court and jury.

It is true that juries do have discretion to provide the death penalty or life imprisonment, but it is a routine measure that people who do not believe in capital punishment are usually not allowed to serve on the juries.

This is not only the law of the jungle which is poorly applied, but it is also a poor man's law. Very few if any of the rich men ever have to pay the death penalty; they always are able to get by with life imprisonment. A law in a democracy ought to operate equitably for everybody, but in Pennsylvania rich men are not given the death sentence. It is purely and simply a poor man's law, and so, Mr. Speaker and members of the House, in the interests of humanity, and because we know that this law does not deter crime in any respect, because most people who commit murder are either physically or mentally unbalanced, and pronouncing the death penalty on those does not do any good for society or for the person affected, therefore, in the interest of humanity and in the interest of the more equitable operation of our laws I ask the members of this House to vote in favor of this bill.

Mr. REISING. Mr. Speaker and members of the House, in connection with this bill, it would appear to me that the common sense viewpoint would be that as long as we can convict men on circumstantial evidence it is entirely unfair that we impose capital punishment, because of the fact that so many strong-arm methods are used to build cases against men who have been charged with crime. A great many times the innocent man is sent to the gallows or to the electric chair, and the guilty man is still running about, and we find it out a number of years later. In justice to humanity and in justice to the innocent men, I would ask the members of this House to vote for this bill.

Reference was made to the jungle law of the biblical injunction wherein it says "an eye for an eye and a tooth for a tooth", but I would suggest that we find out for sure that the eye was lost at the hands of the other fellow before he is punished, and so far as I am concerned in this matter, I feel that before we seriously attempt to reform others we should first reform ourselves.

I ask the members of this House to vote for the bill.

Mr. FLINCHBAUGH. Mr. Speaker and ladies and gentlemen of the House, I certainly am reluctant to speak about this measure. This is not the first time the bill has been in this House to abolish capital punishment. I remember some years back a similar bill was before this House, and at that time there was a member of this General Assembly from the City of Pittsburgh, a noted criminal lawyer, whose specialty was defending murderers. He got up and spoke on a similar measure and he made the statement that although he was a lawyer defending the accused in murder cases generally, that the Legislature would adopt a very questionable course if it abolished capital punishment.

Ladies and gentlemen of this House, I think especially at this time when so many parole prisoners are committing crimes of violence, when so many murderers are being committed over this land by men who have previously committed murders, we would be adopting a very questionable course by passing this bill.

The gentleman from Philadelphia made the statement that in biblical times we had cities of refuge to which the accused might go. Mr. Speaker and ladies and gentlemen of this House, we today have cities of refuge, namely our courts, where men get an impartial and a just trial, and where they are adjudged by twelve men, their peers, and it is very very seldom, in fact I don't believe it has been authentically proven that any man was ever convicted for murder who was innocent. I repeat, this is not a time to abolish capital punishment.

A former member of this Legislature, speaking in opposition to this bill, said that as a criminal lawyer it has been his experience that the only thing that the murderer fears is the hot seat, and his only plea to him when he is delegated to represent the accused is, "Oh, Mr., save me from the hot seat", and because, ladies and gentlemen, we have capital punishment your property is safer, you are safer, your family is safer, you tonight are safer upon the streets of this city and of this Commonwealth because of the fact that men are deterred from committing murders because of fear of the hot seat.

Personally I shall vote "no" on this measure.

Mr. DAVID H. WEISS. Mr. Speaker, less than a month ago in the Pittsburgh Post Gazette there appeared these headlines, "Confession clears men serving life for murder he never committed." Supposing he were given the chair; it would have been too late to rectify the wrong done. It was only because of the justice that Westmoreland County served that it was possible for this man to be alive today.

Less than two weeks ago these headlines appeared in the paper. "A friendless slayer goes to the chair." If this friendless slayer had had a few powerful politicians for friends it would have been possible for this man to have been saved for quite a while longer. I do not believe that the argument of the gentleman from York, Mr. Flinchbaugh, that the hot seat is a crime deterrent would hold water, because in those states where they have abolished capital punishment it does not appear that the crime wave is any greater there than it is in this state.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Contstitution the yeas and nays were taken.

Mr. OSTROFF. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—110.

Allmond,	Fitch,	Mihm,	Schrope,
Arnold,	Flanagan,	Mooney,	Shaw,
Baine	Gerard,	Moran,	Shepard,
Baker, J. J.,	Gorski,	Munley,	Shugarts,
Balthaser,	Hagerty,	Murrin,	Skale,
Bohn,	Harkins,	Nagel,	Smith, James A.,
Boltz,	Harmuth,	O'Brien,	Smith, John A.,
Brancato,	Hess,	O'Connor,	Stackpole,
Brigerman,	Hindman,	O'Keefe,	Thomas,
Broad,	Holmes,	Ominsky,	Thompson,
Brown,	Holstrom,	O'Neill,	Toole,
Brownfield,	Horting,	Ostroff,	Tronzo,
Caputo,	Jirolanio,	Patterson, C. S.,	Turner,
Coakley,	Keenan,	Patterson, J. W.,	VanSickle,
Cohen, H. B.,	Kelso,	Pearson,	Vogt,
Cohen, R. E.,	Kilroy,	Powers,	Wagner,
Coleman,	Kroll,	Preston,	Walsh,
Coolahan,	Levy,	Readinger,	Weiss, D. H.,
Corrigan,	Long,	Reese,	Weiss, S. A.,
Costanzo,	Lopresti,	Reising,	Welsh,
Dickinson,	Lovett,	Robinson,	Westrick,
Donohoe,	McCullough,	Rothenberger,	Whitenight,
Dougherty,	McDermott,	Ruffennach,	Wilson,
Downey,	McFall,	Rush,	Wood,
Dubbs,	McGee,	Sarraf,	Wright,
Elpern,	McShane,	Scanlon,	Yourishin,
Falkenstein,	Melchiorre,	Schor,	Zappala,
Finnerty,	Merrell,		

NAYS—87.

Achterman,	Ganser,	Matthews, J. F.,	Sloan,
Alexander,	Gillette,	McArdle,	Snyder,
Allen,	Habbyshaw,	McDevitt,	Sollenberger,
Atkins,	Haberlen,	McElroy,	Sproul,
Aukerman,	Hall,	McKinney,	Stank,
Baker, F. T.,	Hamilton, F. P.,	Mellott,	Stewart,
Bierly,	Hamilton, R. S.,	Moomaw,	Stockham,
Boles,	Hays,	Moul,	Terry,
Boose,	Hering,	Muir,	Trout,
Boyer,	Hetrick,	Peale,	Tumelty,
Bradley,	Hirsch,	Perry,	Valibus,
Burrows,	Holland,	Pershing,	VanAllsburg,
Cadwalader,	Hontz,	Piole,	Wall,
Caesar,	Huntley,	Richter,	Watkins,
Chervenak,	Imbrie,	Royer,	Webster,
Davies,	Kline,	Schrock,	Weidemann,
DeNote,	LaRue,	Schumacher,	Winner,
Dyson,	Leisey,	Serrill,	Woodside,
Eckels,	Lewis,	Shoemaker,	Yanoshat,
Fiss,	Longaker,	Siegel,	Yeakel,
Flannery,	Lyons,	Simon,	Furman,
Flinchbaugh,	Marino,	Simpson,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. LEWIS filed the following reason for his vote.

I believe that the passage of this bill would remove a fear of punishment that now serves as a crime deterrant, and the records of Pennsylvania show very clearly that never has justice miscarried in the imposition of capital punishment.

Therefore, I vote "no" on House Bill No. 608.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE ON HOUSE BILL No. 852

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 851, Printer's No. 883, on page 21, of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 851, entitled:

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossing of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction of improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 2, page 18, line 13, by inserting after the word "disposal" the following: "services"

Amend sec. 2, page 18, line 14, by inserting after the word "compensation" the following: "paid directly by the users of the service to the corporation or person furnishing the service, but not including sewage services where the compensation is paid by a municipal corporation to a corporation or person furnishing the service."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. OMINSKY. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

On the question, recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, I realize that what I might say here tonight will possibly not change a vote on this measure. On any bill as extensive as this and involving as much as this does, I realize that there has undoubtedly been a decision on the part of the majority of this House as to its course of action and that anything I might say would be unlikely to change the decision of the majority as to its vote upon this measure.

I am not going to tire you with a discussion of the details of this bill or a criticism of many of its features. I sought to insert an amendment a few moments ago, however, to the section which defines what is a public utility. Under section g, page 18, it says that "a public utility shall be a person or corporation owning or operating in this Commonwealth equipment or facilities for sewage collection treatment or disposal for public compensation," and my effort was to take out of that a situation that will undoubtedly arise with many municipalities in the next couple of years in this State, when it is sought to relieve our streams of pollution, as many of our municipalities may have to enter into contracts with private corporations to construct plants whereby the municipality will pay for them over a period of years. There is clearly no intent there to set up a public utility or a public service company. I believe it is perfectly proper to bring within the terms of this bill the companies that might supply to individual property owners or others sewage service. That is very properly a public utility, and if it charges rates to the people who are served it should be brought within the provisions of the Public Utility Act in the Commonwealth of Pennsylvania and should be regulated by any Public Utility Commission as to the rates which it charges. But in a contract between a municipality and a private corporation, by which the corporation merely builds a sewage disposal plant for which the municipality is to pay over a period of years, there is nothing savoring of a public utility any more than there was in the case of the independent gas producers who merely dig a well some place and sell the entire output of that well to some company that is engaged in the selling and distributing of gas to the general public. You took that provision out of the bill and exempted the independent gas operators from the provision of the bill. That feature of the handling of this problem in the next few years in Pennsylvania will present an acute problem. I think that you should take this out as well.

I do not understand that the objection of the gentleman from Philadelphia is one that goes to the purpose of the amendment but that he felt that the bill should move forward here tonight. We endeavored to secure this amendment and I trust I may have the assistance of the chair-

man in securing this amendment in the Senate, which is a just amendment.

Mr. Speaker, I do however desire to say a few words in reference to this legislation. From the year 1931 on we had considerable amendments to the Public Service Company Law of Pennsylvania. That act had been in existence, I think, since 1911 in Pennsylvania. It had been interpreted by the courts and I know, as one who was here in the sessions of 1931 and 1933, that the most careful consideration was given after hearing and investigation lasting some ten weeks in 1931, on the whole utility problem, as to the defects in our utility law at that time. So therefore, I say there is not necessity for a rewriting of the Public Service Company Law in Pennsylvania. Such amendments that might have been deemed necessary through the experience of recent years could readily have been added to the act as it stood in Pennsylvania without disrupting the whole procedure and without throwing the whole situation as to the public utilities in chaos.

I believe that this is one of the most important pieces of legislation that has come before this session of the Legislature and that it will have far reaching effects in Pennsylvania for years to come. I said there was no reason why we could not have amended the present law in such respects as were deemed necessary to correct any defects that had developed out of our experience in the last few years. The old law had been interpreted by the Courts, it had been interpreted by the Commission. In long lines of decisions these whole questions had been decided and had been interpreted, and I have said to some of those men who were back of this movement for this law that I think they are the greatest benefactors that the legal profession in Pennsylvania has had for many years. I have said to some of the members of the Superior Court of Pennsylvania with whom I have conversed that I think this is a tremendous and stupendous task and will be so for the next few years, and I predict that these utilities of ours in Pennsylvania will be in the courts of Pennsylvania for a number of years to come and that this act will be in the courts for interpretation.

I am not interested here tonight, except in one phase, not the utilities themselves, I have no personal interest in the utilities as corporations or as operating companies, no matter whether it be in the transportation field, whether it be in the electrical or gas field or whatever field it may be in. I do, however, have an interest in this: I have an interest in the rate payers in Pennsylvania, and I feel that this act is casting a burden upon the very people that you who are the sponsors and the proponents of this bill say you are seeking to help. The Commission which you so ruthlessly ousted a few weeks ago stated, and I haven't seen it denied, that they had brought about reductions in rates in Pennsylvania amounting to millions of dollars. If I remember the figure rightly I think it was stated that some twenty million dollars had been saved to the rate payers of Pennsylvania over a period of a very few years in which the Commission had been operating, especially the immediate predecessor of the Commission which you ousted, and the Commission which has just gone out of office. That Commission was a commission of seven men. Under your present legislation you have provided for a commission of five men to carry on the same amount of work, and in addition to that you have loaded on to them twice as much work as the old Commission ever had, because this bill with its extension to contract carriers and to motor vehicle carriers goes very much farther than the old act. In addition to that it throws the burden of the payment of the costs of the Public Service Commission, or the Public Utilities Commission,—I cannot get used to saying Public Utilities Commission,—it throws the cost of the burden of that Commission upon the utilities. Where is that money to come from? It always seems to me that the men who talk about making utilities pay for some of these things seem to have the idea that the utility is a person or a small group of people who will have to dig down into their pockets to pay the bill, whereas, as a matter of fact, the only place they can get the money with which to pay the bill is from the rate payer. That is going back on the same people that you talk about saving. In addition to that you have passed since 1935 a great number of bills which provide for increased taxation upon utilities of Pennsylvania. On the one hand, you have increased the cost of those taxes, and those taxes do not again come out of the pockets of the stockholders of that corporation. Those taxes come from the rate payers, the only place where a utility can get the money with which to pay the taxes, and when you consider the basis upon which you are going to figure the rates of any utility you always have had to add in the taxes which the utility has to pay, and therefore the rate payer must inevitably in the end pay those taxes. You have therefore loaded upon this industry additional taxation, on the one hand, and you are forcing a reduction of rates, and have forced a reduction of rates in Pennsylvania on the other hand.

What then is to happen to these great industries of ours in Pennsylvania? Do you know that in 1932 it was expansion of expenditures by our utilities that kept us going in much of the hard times and kept employment from decreasing? Do you know that the utilities have been the great experimenters? Do you know that the utilities are constantly struggling to bring into the market and upon the market new ways and methods of generating power, new ways of doing business, new facilities, that they have been the backbone of the promotion of industries that supply the appliances which may reach out into the field of thousands of other industries, employing thousands of men who labor. And when you try to talk about the benefit that you are going to give the people of Pennsylvania by what you conceive is a method to reduce the cost to those people, you are on the other hand crippling great industries that do not have the money for expansion and will not have the money to meet the payrolls that are necessary to keep those industries going and keep those people in the industries earning a fair livelihood. I say tonight that I am not thinking of the utilities themselves, whether they be common carriers or whether they be in the gas, electric or water field, but I am thinking first of the rate payer himself. I am thinking, second, of the employes of those companies. You have fought here for bills which you said were a benefit to labor but there is no reason why you should fight for the United Mine Workers, there is no reason why you should fight for the people in the hosiery mills, there is no reason why you should fight for the men in the steel mills, and then turn around and forget all about the labor that works in our great transportation systems, the railroads, in the trucking industry, in electric light and gas and water industries.

In my own county I don't know how many men are engaged but I do know that in the electrical industry there are some three thousand men employed in my county. The purpose of this bill is not to secure regulation, and if you read the bill you will see that the purpose of it is to set up a commission that shall have the right to go into the very managerial features of every corporation that is called a public utility in the Commonwealth of Pennsylvania. Five men who are the Public Service Commissioners or the Public Utility Commissioners of Pennsylvania do not become a regulatory body to decide upon fair rates and practices between the ordinary rate payer and between the utility and the investors themselves, but that Commission becomes under the bill and under the provisions of the bill a board of directors who will have the power to go in and determine upon the very expenditures themselves to be made by this utility, and then the joker in the bill is, having determined upon those expenditures, the bill says that in any rate case the Commission shall not be compelled to abide by or be bound by its decision in granting any privilege to the utility itself or in granting the approval of any securities or bond issues—the Commission itself shall not be bound. In other words, if they make a mistake over here in granting such rights, they say, "All right, it is all right, go ahead" and they say that, "In the future time we do not have to abide by any of our mistakes, we are a super Board and therefore are free from that." So I am thinking of those people in my county who work in these utilities, who are employed in our trucking concerns, who are employed on our railroads, who are employed by our electric and gas companies, who are employed by our water companies, it is of them I am thinking when I say that this bill goes too far, that this bill is one that is actuated by hatred of these businesses that have grown up under the permission of the Commonwealth and under the laws of the Commonwealth, that have been regulated in the past and that have a right to exist; whose securities, whose bonds and whose stocks have been invested in by hundreds and by thousands of small investors. I do not care about the rich investor. He can generally take care of himself, or if he cannot he does not long exist as a rich investor. But I am thinking of the little fellow in my county who bought five, ten, or fifteen shares of some kind of stock in some utility with the expectation of its providing a backlog for him. I am thinking of the people of my county, who are the kind of people that you are, who are in the same class that you are, who like to live decently in decent homes and who will have to pay the rates.

I am amazed, Mr. Speaker, that in a position such as this that strikes at these various industries,—and let me remind you of something else,—the other day you passed a bill providing for municipal ownership, and you passed a bill that is going to make it easy for every municipality to go into the utility business. Yet, you are talking about getting low rates for the people in the rural districts. If the municipality is going into the utility business without any restriction, and there is no restriction because the Public Utilities Commission has no control over it, then the municipality is taking away the cream of this business from the utility. Who is going to serve the country districts in that case? You are not consistent in the things you do. But the thing that amazes me as I look at this bill with all its implications, is, where are the great defenders of this industry, where are all those men who should be in the Hall of this House fighting this bill? I remember we had a hearing a very few weeks ago and there were a few representatives of the utilities who appeared here to protest against certain features of the bill, but since that time I have not seen any of them. Why are they not in here fighting for their employes? Has it become so in Pennsylvania that we have intimidated the people who are engaged in industry to such an extent that they are afraid to come here and fight for their rights? I have always believed that every citizen and every group of citizens in Pennsylvania could come here and tell us what they think about a measure, especially a measure that is far reaching, when it destroys the utilities of Pennsylvania by a commission, because it will be entirely dependent upon the kind of commission you get,—and we know the psychology in back of this bill, we know that this bill was written in many respects and dictated by a group in Washington, whose ideas they have written into this bill, where are those people that should have been here in the Hall of this House in the last few weeks fighting against this bill? I do not like to stand here and bear the brunt of this argument and say I know from the attitude in this House that there are many who do not seem to be interested one way or the other. I say to you that if the heads of these utilities are afraid to come out, if they are being intimidated by those in power, if they are afraid they will have vengeance reeked upon them in the next few years, then they ought to come out and tell us all about it.

I want to say to you in conclusion and I want to sound this warning to you that while I may not change your votes now, I do say, like other legislation that you have passed, that this bill will come back to haunt you. I think this bill in its extreme provisions goes to such an extent that will hamper and hamstring the utilities, and put them in the hands of unscrupulous politicians, who can either break or drive into line many of these businesses. I think we are forgetting entirely the laboring men, I think we are forgetting entirely the small investors in our industries, and you will live and learn to regret it.

Mr. ACHTERMAN. Mr. Speaker and members of the House, like the gentleman who has preceded me, I do not intend to go into the various phases of this act. I regret that the amendments which he offered this evening were not handed to the committee some considerable time ago. As a matter of fact, the history of the preparation and the various phases that this act passed through perhaps should have told the gentleman from Delaware that the amendments he desired should certainly have been offered in committee.

I might state, Mr. Speaker, that perhaps the whole history of this bill might explain the one thing that the gentleman has been wondering about, where are all the opponents to this measure this evening? From the time of our first public hearing on down until this bill appeared in the calendar there have been numerous meetings in efforts to draft a bill that would meet the objections of the various utilities and still give the people of Pennsylvania the greatest measure of protection possible. The amendments offered by the gentleman from Delaware may have some merit, but to insert them this evening would mean a delay of another day, and certainly if they

do have merit he could very handily have these amendments inserted in the Senate without delaying the onward passage of this bill. I do call to his attention however, the fact that the Public Utilities Commission, and preceding it the Public Service Commission, have always dealt very easily and very leniently with the various municipalities in connection with public service, and I believe he can rest assured that the new Public Utilities Commission will continue in that same onward direction.

The gentleman complains of this bill from a very, very odd standpoint to me. He maintains that instead of passing a new bill, repealing the old legislation, what we should have done is to amend the numerous bills now on the statute books of this State. That, it strikes me, carries but little weight, or should carry but little weight, as in opposition or as opposed to this particular bill. Certainly for convenience sake, certainly for many other reasons it would be far better to write a code bill as we have here done, presenting to the people of Pennsylvania in clarified form the law governing the utilities of Pennsylvania.

He has shown an extraordinary interest in the people of Pennsylvania, but I say to you that our interest is larger and broader than the interest he has demonstrated here this evening in that we desire to see that the people of Pennsylvania receive a fair rate from their public service utilities, and that rate as provided by this bill will be fair to the investors, will be of necessity fair to the employes of the utilities, and above all will be fair to the users of the respective public utilities. The bill provides for a return on the capital invested in the assets of the corporation, not a fanciful one, not a conjured one, but a real and actual value. It is on that basis that we are expecting the Public Utilities Commission to fix the rates of the various utilities in this State. I am saying quite frankly to the members of this House that it is our hope that is is going to protect the entire populace of our State, and not handing to just a few who might be the owners of utility stock an advantage far in excess of that to which they are entitled.

He has one other objection: he maintains of course that the bill will go to the point of managing. Perhaps to an extent he is correct. Perhaps this bill does go beyond the mere phase of regulation, but I submit Mr. Speaker and members of the House, that if rates are going to be regulated then those rates can only be regulated by providing that the Commission is to have full and complete figures, with a complete right to say how great the expenditures of the respective utilities may be, not that they may conjure up excess expenditures for the purpose of increasing rates, but rather that their expenditures shall be along the line of need, along the line that is essential and necessary to operate their plants, in other words, to go into every phase of their expenditures to see that the services they are rendering are needed and essential, but that they shall not be extravagant expenditures on the part of the utilities. If you hamstring a commission to the point that it can not do that, then the commission will find, as the Public Service Commission has in the past found, that they were all too frequently prevented from correcting the evils that existed.

In conclusion, Mr. Speaker, may I say to the members of this House that this bill in my opinion will produce for the people of Pennsylvania that which they have been seeking for so many years: the right to change and regulate rates so that people will not be gouged in paying excessive sums, but rather that they will be paying a fair sum for the service they receive, and in paying that fair sum they will be treated fairly and honestly, as well as those people who have investments in public utilities in this Commonwealth. It is for those reasons that I ask the members of this House to support House Bill No. 851.

Mr. OMINSKY. Mr. Speaker and members of the House, further supplementing the remarks of the gentleman from Monroe, Mr. Achterman, my co-sponsor of House Bill No. 851, I wish to go more specificially into what this bill purports to do.

The major features of this bill are as follows:

1. Municipalities which operate utilities within their corporate limits are exempt from the act but do come under the act if their services extend beyond those limits.

2. Non-profit cooperative associations are also exempt from the act. This particularly affects the rural electrification program.

3. Contract carriers by motor vehicles are brought within the jurisdiction of the Commission under the new act, subject to the regulations in some phases of their activities, including minimum rates, security issues, and so on.

4. The percentage of stock interest required to classify an affiliated interest has been reduced from ten percent to five percent. The act is also broadened otherwise to bring under the regulation other associated interests, to remedy conditions disclosed in the investigation of the Associated Gas and Eelctric Company.

5. The Commission is given jurisdiction over all abondonment public service utilities. This was denied under the old act.

6. A sliding scale for the establishment of rates is also provided in this act, when they are created. The new Pennsylvania system differs from the London and Boston plan. It is much broaded in scope and far more comprehensive than either of those plans. It provides an automatic rate-reducing system, based upon a new theory of valuation.

7. The bill eliminates from the present law the filing of a bond by a public utility when the utility proposes to increase its rates. It requires suspension of the new rate during litigation and until final determination of the litigation.

8. It further places the burden of proof upon the utility —and mind you this is very important—it places the burden of proof upon the utility in any proceeding. It also requires the utility to justify any accounting item which it may submit to the Public Utility Commission.

9. One of the strongest provisions is that of establishing four methods of fixing temporary rates. The first is based upon the New York Act, recently sustained by the New York Appellate Courts. The second establishes a different basis of validation upon which the temporary rate is fixed. The third is a combination of the first two with the regulatory principle of the sliding scale. The fourth is entirely new, establishing a trial rate to remain in effect for a definite period. It is based upon reports and information filed with the Commission by the utility itself. All four methods permit the Commission, in one form or another, to institute rate reductions whenever information which it may have would indicate that a reduction was necessary, or to institute temporary rate reductions at any time during litigation. This portion o

the act also permits the Commission to allow the utility to recoup any losses suffered through temporary or trial rates at the final determination of the proceedings.

10. Restrictions for the removal of refunds are also provided in the bill, and one which the consumer by complaint to the Commission can obtain refunds through court proceedings.

11. The Commission further is empowered to coordinate schedules of separate transportation systems.

12. The recording of the Commission's orders in the proper recording offices of the affected counties is required whenever a grade crossing case is being prosecuted. This provision protects titles to real estate.

13. Whenever there is any increase of extension of utility facilities the utility must first obtain a certificate of public convenience from the Commission, and any increase or extension must be submitted to competetive bidding. The utility is permitted to bid upon such work.

14. The bill further provides that no public utility shall require payment of rates in advance or the making of minimum payments or deposits to secure future payments of rates except as the Commission or regulation of order may permit. It also provides that any deposit made by any consumer shall be returned to him with any interest due thereon, when that consumer shall have established his credit with the utility over a one year period.

15. Provision is now made authorizing a common carrier to establish release value rates which will limit recovery to the shipper to an amount not exceeding the value declared or released.

16. Provision is further made that the Commission in condemnation proceedings for having the matter submitted to the Court of Common Pleas where the property is located for the determination of damages to property owners by viewers' proceedings in such cases as the Commission may deem advisable.

17. A new section known as Section 418 provides that where a bona fide cooperative association has been organized to furnish electricity to its members on a nonprofit basis, and if that cooperative files with the Commission a map of the territory to be served by the association and the statement showing that a majority of the prospective customers in the area are included in the project, no public utility shall extend its lines within that territory until the expiration of six months, to permit the cooperative to finance its proposed system with a Federal agency. The purpose of this section is to freeze and segregate a territory for the development of rural electrification, which in the long run will benefit that particular community.

18. There is also incorporated a new section in this bill, section 419, which provides for the full crew bill as to railroads, so as to repeal the Act of 1921, P. L. 385, and incorporate that act into the Public Utility Law.

19. A new section also was added to provide that the burden of proof in proceedings involving complaints against service and facilities shall be upon the utility.

20. A very important regulatory section has been added, Section 921, and this bill, on this phase of regulation, we endeavored to pass in the 1935 Session, but the bill was defeated or killed in the Republican Senate. This section gives the Commission the power to vary, reform or revise upon a fair, reasonable and equitable basis any contract or the terms of any franchise or contract entered into between any public utility and any person, corporation or municipal corporation, which contract embraced or concerns a public right, benefit or franchise, or where the contracts are affected or concerned in the public interested and the general welfare of the Commonwealth.

Now all these new regulatory provisions which are incorporated and included in this general bill, are, as the gentleman from Monroe, Mr. Achterman, stated, in the interested of the public welfare of the Commonwealth of Pennsylvania.

It seems strange that the gentleman from Delaware, Mr. Turner, has seen fit in the discussion of this bill to take the part of labor. We feel that as the majority we have endeavored and always will endeavor to give labor its just desserts in the State of Pennsylvania, and in keeping with that we have endeavored to incorporate into this measure all of the benefits which may pertain to labor. We can assure the gentleman from Delaware, Mr. Turner, as well as all the people of the State of Pennsylvania, that this measure will in no way adversely affect labor in this Commonwealth. It may affect partially the the utility profits which they have been getting for a long time in the State of Pennsylvania through the various utility companies. It may seem a little harsh at this time to enact all in one a measure which cuts down their profits for the benefit of the people of Pennsylvania. But I might say that this harshness is due to the fact that nothing has been done in the way of regulating these utilities for the past twenty-five or thirty years, and it has fallen upon the Democratic party in Pennsylvania to curb the profits of these utilities in the interest of the people of Pennsylvania as a whole. I therefore ask the members of this House to vote for House Bill No. 851.

Mr. TURNER. Mr. Speaker and members of the House, I had not intended to reply to the gentlemen on the other side, I was not going to discuss the features of the bill itself in detail, although if I had the time and I thought you would listen there are some phases of this rate making question which I think should be discussed quite at length. What the gentleman from Philadelphia suggested in rate making is something that was discussed in 1931. These are not new theories, they are old theories. I thought they were new theories in 1931 but I found that away back in 1890 the same questions were raised by William Jennings Bryan, only the men who were opposing the party at that time were different than in 1931. Therefore these questions are not new questions, they are old ones. I would like to say this to the gentleman from Philadelphia and to the gentlemen on the other side,—he said it was strange that I should take a position in favor of labor. The thing that has always amazed me, and the point that I have been trying to make, is that some of you gentlemen seem to think, seem to have the idea that you can have your cake and eat it too, and some of you seem to think that you can pile taxes upon industry in Pennsylvania and regulate industry in Pennsylvania and still have the industry pay a fair rate of wage to the laboring people. I know in this House since I have been a member of the House I have been misunderstood on almost every occasion, but my fight has been for the people in my own county who are dependent upon these industries in my county, a long line of great industries that stretch along the Delaware River, upon which they are dependent

for a livelihood and upon which my county is dependent for its very existence. You can't keep industry going there if you are going to tax them out of existence, if you are going to regulate them, if you are going to coerce them, you cannot keep them there and at the same time have them pay a fair rate of wage. We are finding that out in Pennsylvania. The utilities have been the football of politics, they have been the subject of every demagoglical writer that you can find any place. You are coercing them the same as you did with the railroads until the railroads were down and out on their backs. I am speaking for labor in my county and for labor in other counties, and for the small investors in my county and in other counties who are dependent upon these utilities for their very livelihood. You cannot tax the real estate on the one hand, you cannot add taxes by the State on the other hand, you cannot regulate them on the other hand, and still expect to reduce the rates and have them pay a fair rate of wage to their people. It just cannot be done.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the gentleman from Delaware is telling this House that apparently we do not understand him. I want to tell the gentleman from Delaware that I understand fully the situation with which we are confronted. I possibly have been a party to increasing the taxes on utilities. I voted quite freely for the bills to increase the gross receipts tax from eight to fourteen mills and from fourteen to twenty mills, and as a result of that increased taxation I have yet to see one utility that came before the past Public Service Commission or would be able to come before the present Public Utilities Commission, and on the basis of that increased taxation indicate any reason why their rates should be raised.

The gentleman from Delaware, when he first addressed this House, clearly told us that the past Public Service Commission had reduced the rates of utilities many millions of dollars, and they did. But, ladies and gentlemen, they did that notwithstanding the increased taxation. So apparently there was a stoppage on the increased rate that these utilities were charging that enabled the Commonwealth to receive the increased taxes without the necessity of an attenuating rate increase on the part of the utility.

I may say also in further answer to the gentleman from Delaware that I have never yet seen a case in which the past Public Service Commission, and I am sure we will never see a case in which the present Public Utilities Commission, will have occasion to raise the rates of a public utility because that utility is paying too much for labor. I have never yet seen an instance in which rates were asked to be raised upon the plea that the utility wanted to give their labor an increase in wages. I have seen and the past Public Service Commission has seen, and the gentleman from Delaware has seen quite a number of instances in which it was necessary to reduce the rates of public utilities because they were making too much profit, and not because they were paying their labor too much wages. I think that the attempt of the gentleman from Delaware to throw dust into the eyes of this membership by pleading possibly for the consumer or pleading for the wage earner is quite a good argument. I say that the facts that he cites and the facts that are within the knowledge of every citizen of the Commonwelth are to the contrary. Upon the passage of this bill we will be in a position adequately to regulate the utilities of this Commonwealth, to regulate them in a manner that will give a just rate to the consumer, a just wage to the employe and a just tax to the Commonwealth.

Mr. MORAN. Mr. Speaker and members of the House, I rise to support this bill by saying this is the first chance, I believe, that the Legislature has ever had to pass a measure which will be a benefit to all the people of this Commonwealth. If the utilities in the past had cleaned their dirty linen we would not have to pass a measure of this kind. I say this is a real opportunity for the citizens of Pennsylvania to get what they have been trying to get for years, and I think the members of this House, if they really represent the constituents who elected them, will have to put this measure across.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—145

Achterman,	Falkenstein,	McCullough,	Sarraf,
Alexander,	Finnerty,	McDermott,	Scanlon,
Allen,	Fitch,	McElroy,	Schor,
Allmond,	Flanagan,	McFall,	Schrope,
Arnold,	Flannery,	McGee,	Shaw,
Aukerman,	Gerard,	McShane,	Shea,
Baine	Gorski,	Melchiorre,	Shepard,
Baker, J. J.,	Haberlen,	Mellott,	Shoemaker,
Balthaser,	Hagerty,	Mihm,	Shugarts,
Bierly,	Hamilton, F. P.,	Moomaw,	Siegel,
Blank,	Harkins,	Mooney,	Simon,
Bohn,	Harmuth,	Moran,	Skale,
Boles,	Hays,	Moul,	Smith, James A.,
Boltz,	Hering,	Munley,	Smith, John A.,
Bradley,	Hess,	Murrin,	Spengler,
Brancato,	Hetrick,	Nagel,	Stank,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Brien,	Thompson,
Brown,	Holland,	O'Keefe,	Toole,
Brownfield,	Holmes,	Ominsky,	Tronzo,
Caesar,	Holstrom,	O'Neill,	Tumelty,
Caputo,	Hontz,	Ostroff,	Valibus,
Chervenak,	Horting,	Patterson, C. S.,	VanAllsburg,
Coakley,	Jirolanio,	Patterson, J. W.,	VanSickle,
Cohen, H. B.,	Keenan,	Pearson,	Vogt,
Cohen, R. E.,	Kelso,	Pershing,	Wagner,
Coleman,	Kilroy,	Piole,	Walsh,
Coolahan,	Kroll,	Powers,	Weiss, D. H.,
Corrigan,	LaRue,	Preston,	Weiss, S. A.,
Costanzo,	Levy,	Readinger,	Welsh,
DeNote,	Lewis,	Reese,	Westrick,
Dickinson,	Long,	Reising,	Whalen,
Donohoe,	Lopresti,	Richter,	Whitenight,
Dougherty,	Lovett,	Robinson,	Wright,
Downey,	Marino,	Rothenberger,	Yourishin,
Dubbs,	Matthews, H. T.,	Ruffennach,	Zappala,
Dyson,	McArdle,	Rush,	Furman,

NAYS—47

Baker, F. T.,	Imbrie,	Schrock,	Trout,
Boose,	Kline,	Schumacher,	Turner,
Boyer,	Leisey,	Serrill,	Wall,
Cadwalader,	Longaker,	Simpson,	Watkins,
Davies,	Matthews, J. F.,	Snyder,	Webster,
Eckels,	McDevitt,	Sollenberger,	Weidemann,
Fiss,	McKinney,	Sproul,	Wilson,
Gillette,	Merrell,	Stackpole,	Winner,
Habbyshaw,	Muir,	Stewart,	Wood,
Hall,	Peale,	Stockham,	Woodside,
Hamilton, R. S.,	Perry,	Strode,	Yanoshat,
Huntley,	Royer,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. PERRY filed the following reason for his vote:

In my opinion this bill is poorly drafted, unpracticable of enforcement and confiscatory in character. Many of its provisions violate the provisions of the Constitution. If passed it will increase rather than reduce the ultimate rate to be paid by the consumer. By enforcement of its provisions, the interests of both investors and employes of privately owned utilities will be seriously imperiled. In my opinion this bill, disguised as regulation, in reality imposes unfair restrictions upon private industry, and in turn will decrease expansion of business in Pennsylvania to the adverse interest of the taxpayer, consumer, investor and workingman.

Therefore, I vote "nay" on the bill.

Mr. YANOSHAT filed the following reason for his vote:

I vote "no" on House Bill No. 851 for the reason that it does not prohibit the meter service charge, and therefore is of no special benefit to the people of my district.

COMMUNICATION FROM THE GOVERNOR

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1779

The SPEAKER. The House will now return to House Bill No. 1779, the consideration of which was interrupted by the Special Orders.

The House had given its unanimous consent to the insertion of the amendments offered by the gentleman from Philadelphia, Mr. McGee. There were objections to the insertion of amendments offered by the gentleman from Philadelphia Mr. McDevitt.

On the question recurring,

Will the House agree to the bill on third reading as amended?

RECONSIDERATION OF VOTE

Mr. McDEVITT. Mr. Speaker, I move that the vote by which this bill was ordered to be transcribed for third reading be reconsidered.

Mr. WOOD. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. McDevitt, vote on the final passage of this bill?

Mr. McDEVITT. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lancaster, Mr. Wood, vote on the final passage of this bill?

Mr. WOOD. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

QUESTION OF INFORMATION

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from York will state his question of information.

Mr. HERBERT B. COHEN. Do I understand, Mr. Speaker, that this bill has been transcribed for third reading?

The SPEAKER. It has been transcribed for third reading.

Mr. HERBERT B. COHEN. Mr. Speaker, was not the motion made that the vote by which this bill passed finally be reconsidered this evening?

The SPEAKER. The gentleman is correct.

Mr. HERBERT B. COHEN. And, Mr. Speaker, was not the vote by which this bill passed third reading reconsidered this evening?

The SPEAKER. That is correct.

Mr. HERBERT B. COHEN. Mr. Speaker, did not the gentleman from Philadelphia, Mr. McGee, offer amendments to the title, which were inserted in the bill?

The SPEAKER. That is correct.

Mr. HERBERT B. COHEN. Mr. Speaker, did not the gentleman from Philadelphia, Mr. McDevitt, offer amendments to which the House did not give its unanimous consent?

The SPEAKER. That is correct.

Mr. HERBERT B. COHEN. Mr. Speaker, was the bill ordered to be transcribed for third reading?

The SPEAKER. The amendments offered tonight were offered on third reading by unanimous consent. The gentleman from Philadelphia is attempting to put the bill back to second reading in order to again submit his amendments.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. McDevitt.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. McDEVITT. Mr. Speaker, I will.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to question the gentleman from Philadelphia as to what is the purport of his amendments.

Mr. McDEVITT. Mr. Speaker, in answer to the gentleman from York, Mr. Cohen, the proposed amendments are to remove first of all two words from section 1, page 3, line 1, to wit: "fire and marine," and in addition to insert after the word "insurance" and before the word "warrant," also on page 3, line 3, the words "except contracts of fire or marine insurance."

Mr. HERBERT B. COHEN. Mr. Speaker, would the effect of the gentleman's amendments then be to delete from the bill the right of the Insurance Department to inspect fire and marine policies?

Mr. McDEVITT. It would not, Mr. Speaker. Perhaps I should qualify that by saying that it would not as far as fire insurance is concerned, but it would as far as marine insurance is concerned.

Mr. HERBERT B. COHEN. Mr. Speaker, would it delete it as far as title insurance is concerned?

Mr. McDEVITT. Mr. Speaker, it would not.

Mr. HERBERT B. COHEN. Mr. Speaker, I should like to inquire what is the gentleman's objection to having the Insurance Department inspect a policy of marine insurance written in the Commonwealth of Pennsylvania.

Mr. McDEVITT. I would answer that, Mr. Speaker, by saying that marine insurance is not a standardized risk. In other words, marine insurance is written on some specific risk as the result of an agreement between the company and the assured, and that is a type of insurance that must be placed in many instances in less time than would be necessary to draw up a policy that would be satisfactory and then attempt to submit it to the department to obtain their approval of the form. Now marine insurance, as I said before, is an agreement between the parties on specific risks which are various and which is not in any sense standard.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I can see no reason why the bill should be further amended so as to delete from the bill the power of the Insurance Department to supervise the writing of marine insurance. There is no doubt that some of the argument of the gentleman from Philadelphia would lead one to believe a policy of marine insurance is of such a nature that it must be written immediately, and that the time limit is not present to permit the Insurance Department to pass upon it. However, to do so, would expose the insurance companies to the writing of very highly speculative insurance risks, which would in turn present a hazard to the other insurers of the insurance company and to the other individuals who are obtaining some of the benefit of the insurance company. There is no doubt that such a type of marine insurance is sometimes being written by what is known as Lloyds of London. However, we in Pennsylvania do not have the benefit of that type of underwriting. As a result, in order to protect both the insurance company and the insured it is necessary that the Insurance Department of Pennsylvania supervise marine insurance to the same effect that they supervise other underwriting.

I therefore ask the membership of this House to defeat the reconsideration of the vote by which this bill passed third reading.

Mr. McDEVITT. Mr. Speaker, it is not my intention either to debate the merits of the proposed amendments, but in conclusion may I just call the attention of the House to the provision in Senate Bill No. 70 which I understand is the departmental or new short code. Section 321 provides as follows: "Policies and contracts of marine insurance relating to a particular risk or enterprise, the terms of which are arrived at by mutual agreement between the parties or their duly authorized agents" — in other words, the proposed code specifically excepts a marine policy of that type for the very good reason that it is impossible to make it a standardized form, and the delay would eliminate the writing of such business in Pennsylvania.

Now, it may be a risk or it may not be a risk. I think people who have had experience in that line of business are best able to judge the type of risk it is, and I think it is a very poor argument to say that we should give these powers to the Department in order to protect the other assured of that company. I think that the companies take that into consideration and that we should take it into consideration at this time and eliminate the marine insurance policies from the provisions of this proposed act.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 794.

Mr. FLINCHBAUGH. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on House Bill No. 794, Printer's No. 947.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 794, entitled "An Act to amend sections one and two as amended and section four, six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen, (Pamphlet Laws 1012) entitled 'An act regulating the business of loaning money in sums of three hundred ($300) dollars or less * * *,' by restricting the businesss of lending by others than licensed lenders; by enlarging the powers of the Secretary of Banking, providing for the refusal or revocation of licenses; authorizing the Secretary of Banking to make rules and regulations, and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; extending the rights, powers, duties, liabilities and immunities of, and limitations upon, the rights and powers of licensed lenders; increasing the penalty for operation without a license; bringing certain transactions within the scope of the act; providing additional exemptions from the provisions of the act; providing for appeal to the courts in certain cases; and imposing additional penalties," respectfully submit the following as our report:

CHARLES W. SONES,
HARRY SHAPIRO,
C. GILBERT WOLFENDEN,
Committee on the part of the Senate.

J. M. FLINCHBAUGH,
ELLWOOD J. TURNER,
PAUL C. LEWIS,
Committee on the part of the House of Representatives.

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended by the act approved the fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy-five) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be [lawful] unlawful for any person persons partnership association or corporation within this Commonwealth [who shall comply with the requirements of this act] to make a loan of money credit goods or things in action in the amount or of the value of [in sums of] three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities and charge [and collect for the] contract for or receive on any such loan [thereof] a rate of interest [as hereinafter provided under the following conditions] discount fines charges or consideration greater than six per centum (6%) per annum without first obtaining a license from the Secretary of Banking in accordance with the provisions of this act

(a) Any person or persons firm corporation or association applying for the same under oath and in the form prescribed by the Secretary of Banking [Commissioner] and paying the sum of [fifty ($50)] one hundred ($100) dollars may in the discretion of the Secretary of Banking [Commissioner] except as hereinafter provided obtain a license for carrying on the said business The said license shall be issued by the Secretary of Banking [Commissioner] and shall expire the first day of June next following the date of its issuance but no abatement of said charge shall be made if licenses are issued for less than one year Every such license shall be renewed annually on the first day of June in each year No license shall be granted to any corporation unless and until such corporation shall in writing and in due form to be first approved by and filed by the Secretary of Banking [Commissioner] appoint an agent resident in the Commonwealth of Pennsylvania upon whom all judicial and other process or legal notice directed to such corporation may be served and in the case of the death removal from the Commonwealth or any legal disability or disqualification of any such agent service of such process or notice may be made upon the Secretary of Banking [Commissioner] The said [Commissioner] Secretary of Banking shall have the power to reject any application for license if he is satisfied that the financial responsibility experience character and general fitness of the applicant or applicants [is] are not such as to command confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act or if he is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted or if it shall appear to the Secretary of Banking that the business of the applicant is or is to be substantially that generally conducted by pawnbrokers the said [Commissioner] Secretary of Banking may upon the expiration of thirty (30) days written notice to the licensee forward by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license if the license shall violate any of the provisions of this act or if the license shall violate any rule or regulation made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to comply with any demand rule or regulation lawfully made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to pay the cost of an examination by the Secretary of Banking or his authorized representative or if the licensee has failed to maintain in effect the bond required under the provisions of this act or if the licensee shall fail to file the annual report to the Secretary of Banking within the time stipulated in this act or if any fact or condition exists which if it had existed at the time of original application for such license clearly would have warranted the Secretary of Banking originally in refusing to issue such license Whenever the Secretary of Banking shall issue a notice of intention to revoke a license issued pursuant to this act the licensee may within ten (10) days of the date of such notice file with the Secretary of Banking an application for a hearing before the Department of Banking Upon receipt of such application the Secretary of Banking shall fix the time and place for such hearing After such hearing the Secretary of Banking may recall the notice of intention to revoke the license or he may after the expiration of thirty (30) days written notice to the licensee of such intention revoke the license Whenever the Secretary of Banking issues a notice of intention to revoke a license and the licensee does not file an application for a hearing before the Department of Banking as in this act provided or whenever the Secretary of Banking issues a notice of intention to revoke a license after a hearing before the Department of Banking the licensee may within the period of thirty days provided in the notice appeal from such action to the Court of Common Pleas of Dauphin County Whenever such license is revoked the [Commissioner] Secretary of Banking shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license and not at all if such licensee shall have been convicted of a violation of this act for a second offense under the provision of section six (6) thereof When a license is not renewed or when a license is surrendered or when a license has been revoked by the Secretary of Banking the licensee shall forfeit the privilege of granting new loans at interest permitted under this act and shall also forfeit the right to collect interest in excess of 6% per annum on outstanding loans In addition to said license fee said licensee shall pay for the examination by said Secretary of Banking [Commissioner] as hereinafter provided Every such applicant shall execute and file a bond to the Commonwealth of Pennsylvania in the penal sum of five thousand ($5,000) dollars with the Secretary of Banking [Commissioner] to be approved by him for the faithful observance of all laws relating to such business Said bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within the Commonwealth and such bond shall be renewed and refiled annually not later than the first day of June in each year

(b) The license shall state fully the name or names of the person persons partnership association or corporation [and of every member of the firm or association] authorized to do business thereunder and the location of the office or place of business in which the business is to be conducted [and in the case of a corporation shall also state the date and place of its incorporation the names of its directors for the period for which the license is issued and the name and address of the agent as provided in section one (1) of this act] Such license shall be kept posted in a conspicuous place in the office where the business is transacted No [person persons firm corporation or association so licensed] licensee shall transact or solicit business under any other name or at any other office or place of business than that named in the license Not more than one office or place of business shall be maintained under the same license and no loans or advancements shall be made applications received notes or contracts signed or payments received at any other place of business than that designated in the license But in case of a removal the Secretary of Banking [Commissioner] may on application indorse thereon a transfer to the new place of business with the date of transfer and from the time of such indorsement the new place so designated shall be deemed the place designated in the license A licensee shall not conduct the business of making loans under this act within any office room or place of business in which any other business is solicited or engaged in or in association or conjunction therewith except as may be authorized in writing by the Secretary of Banking

(c) The Secretary of Banking [Commissioner] shall either personally or by such person or persons as he may appoint for the purpose at least once a year and oftener if he deems it advisable investigate the business and affairs of every such licensee and for that purpose shall have free access to the vaults books and papers thereof and other sources of information with regard to the business of such licensee and shall ascertain the condition of the

business and whether it has been transacted in accordance with the law and the rules and regulations lawfully made by the Secretary of Banking Said [Commissioner] Secretary of Banking and every examiner appointed by him shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination The cost of every such examination shall be paid by the licensee so examined and said [Commissioner] Secretary of Banking may maintain an action for the recovery of such costs in any court of competent jurisdiction

(d) The Secretary of Banking is hereby authorized and empowered to make general rules and regulations governing advertising of licensees contracts with borrowers computation of interest charges books records and accounts of licensees and treatment of collateral and he is further authorized and empowered to make specific demands rulings and requirements for the proper conduct of the business contemplated by this act and for the enforcement of this act which rules and regulations shall have the force and effect of law

(e) For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary of Banking or the examiners appointed by him may at any time investigate the business and examine the books accounts records and files used therein of every person persons partnership association or corporation who or which shall be engaged in the business of making loans or who or which shall advertise or offer to make loans whether such person shall act or claim to act as principal agent or broker or under or without the authority of this act For this purpose the Secretary of Banking shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

(f) The Secretary of Banking shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary of Banking has authority by this act to consider or investigate and for this purpose the Secretary of Banking may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary of Banking the Secretary of Banking may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such court shall thereupon issue an order requiring the person subpoened to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the court may be punished as for contempt of court

(g) Every person persons partnership association or corporation licensed under this act shall annually on or before the first day of March file a report with the Secretary of Banking giving such information as the Secretary of Banking may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by such licensee within this Commonwealth Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking

Section 2 Any person persons copartnership association or corporation who shall obtain a license in accordance with the provisions of section one of this act shall be entitled to loan money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities at his their or its place of business for which said license is issued and to charge the borrowers thereof for its use or loan interest at a rate not to exceed three [and one-half (3½)] (3) per centum per month on that part of the unpaid principal balance of any loan not in excess of one hundred fifty ($150) dollars and two (2) per centum per month on any remainder of such unpaid principal balance In the case of loans made upon the security of tangible personal property physical possession of which is taken by the licensee the licensee shall not charge interest at a rate in excess of such rates as are provided for by the act approved the sixth day of April one thousand nine hundred and thirty-seven Number 51 (Pamphlet Laws) for loans of similar character or the rates provided by this act whichever are the lower provided however that in no event shall the rates charged exceed the rates provided by this act No licensee shall induce or permit any borrower to split up or divide any loan No licensee shall induce or permit any person nor any husband and wife jointly or severally to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section No fees fines or other charges either in addition to or as a part of the above specified interest shall be charged or collected under any pretext whatsoever

A contract for a loan under the provision of this act shall not be made for a period in excess of eighteen (18) months Interest on the unpaid balances after eighteen (18) months be payable at the rate of six (6%) per centum per annum Interest shall not be payable in advance or compounded and shall be computed only on unpaid balances for the time that has elapsed at date of payment Whenever a judgment is entered after the enactment of this act following the expiration of contracts made prior to the enactment of this act interest shall be computed at the rate of six (6%) per centum per annum If interest in excess of that hereinbefore prescribed shall be received by any licensee the said licensee shall thereupon lose all his right to collect or receive the interest allowed under this act and shall be entitled to recover from the borrower only the amount actually loaned together with interest at the rate of six per centum per annum upon unpaid balances less any and all amounts already paid by the borrower on account of said loan either as principal or interest Any person borrowing money from any licensee under this act who shall be charged and pay any interest in excess of that prescribed and allowed by the provisions of this act shall be entitled to recover back from the lender by action at law begun at any time within two years from the date of the last payment any and all sums of money so charged and paid in excess of the amount of the original loan together with interest at the rate of six per centum per annum upon unpaid balances up to the date of final payment of said loan and in addition fifty ($50) dollars as a penalty to be paid to the borrower

Section 2 That sections four six and seven of said act are hereby amended to read as follows

Section 4 Wherever payment is made on account of a loan to which the provisions of this act shall apply the person receiving such payment shall when payment is made give to the person paying a receipt setting forth the amount then paid [the total amount previously paid] on account of interest if any the amount then paid on account of principal if any and the amount remaining due on principal identifying the instrument accompanying the loan to which the payment is to be applied

Section 6A Every person persons copartnership association or corporation licensed under this act or any partner director officer agent or member thereof who shall violate any provision of this act or shall direct or consent to such violation [or who shall lend money in sums of three hundred ($300) dollars or less and charge or receive for the loan or use thereof interest in excess of six per centum (6%) per annum without first having complied with the provisions of section one of this act] shall be guilty of a misdemeaner and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred ($500) dollars for the first offense and for each subsequent offense a like fine and to suffer imprisonment not to exceed six months or both in the discretion of the court

B Every person persons copartnership association or corporation or any partner director officer agent or member thereof who shall directly or indirectly as principal agent or broker by any device subterfuge or pretense whatsoever charge contract for or receive any interest discount fees fines charges or consideration greater than six

per centum (6%) per annum upon the loan use or forbearance of money goods or things in action or upon the loan use or sale of credit of the amount or value of three hundred ($300) dollars or less without having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars or more than five thousand ($5,000) dollars or to suffer imprisonment of not less than six (6) months or more than three (3) years or both at the discretion of the court

C No loan of the amount or value of three hundred ($300) dollars or less for which interest discount fees charges or consideration greater than six per centum (6%) per annum has been charged contracted for or received except as authorized by this act wherever made shall be enforced in this Commonwealth and the borrower shall not be required to pay any principal interest or charges whatsoever This provision shall not apply to loans legally made in any state which then has in effect a regulatory small loan law similar in principal to this act

D The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale or assignment of or order for the payment of wages salary commissions or other compensation for services whether earned or to be earned shall for the purposes of regulation under this act be deemed a loan secured by such assignment and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable Such transactions shall be governed by and subject to the provisions of this act

E The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale of real or personal property which is made on condition or agreement expressed or implied that such property be sold back at a greater price shall for the purpose of this act be deemed to be a loan secured by such property and the amount by which the re-purchase price exceeds such original price actually paid shall be deemed interest or charges upon such loan from the date such original payment is made until the date such re-purchase price is paid Such transaction shall be governed by and subject to the provisions of this act

F When real or personal property is pledged as security on a loan of three hundred ($300) dollars or less and the lender requires the borrower to pay for insurance thereon or when the lender requires life insurance as a security to a loan of three hundred ($300) dollars or less such charge for insurance shall be construed as interest under this act when the lender has failed to have such insurance written by an insurance company legally authorized to conduct business in Pennsylvania When the amount charged for such insurance is in excess of the standard cost of similar insurance in other insurance companies legally authorized to conduct business in Pennsylvania the excess shall be construed as interest under this act

Section 7 This act shall not affect and [existing] laws of this Commonwealth special or general authorizing a charge for the loan of money in excess of interest at the legal rate and provided That this act shall not apply to any person persons partnership association or corporation operating under the laws relating to banks and trust companies trust companies private banks saving banks national banking associations building and loan associations consumers discount companies or pawn-brokers

Section 3 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 4 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Atkins,	Gorski,	Merrell,	Smith, James A.
Aukerman,	Habbyshaw,	Mihm,	Smith, John A.,
Baine	Haberlen,	Moomaw,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Balthaser,	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Muir,	Stackpole,
Blank,	Harkins,	Munley,	Stank,
Bohn,	Harmuth,	Murrin,	Stewart,
Boles,	Hays,	Nagel,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Terry,
Boyer,	Hetrick,	O'Keefe,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Brancato,	Hirsch,	O'Neill,	Toole,
Brigerman,	Holland,	Ostroff,	Tronzo,
Broad,	Holmes,	Patterson, C. S.,	Trout,
Brown,	Holstrom,	Patterson, J. W.,	Tumelty,
Brownfield,	Hontz,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yoursnin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 32

An Act to amend clause (b) of section three thousand two hundred and forty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as amended, providing for compensation for members of joint sewer boards.

HOUSE BILL No. 817

A Joint Resolution Proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania

HOUSE BILL No. 905.

An Act prohibiting industrial police from carrying weapons when not on duty requiring them to leave the same at place of employment and prescribing penalties

HOUSE BILL No. 1113.

An Act to enable tax collectors and receivers of taxes to make returns of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and validating the liens of such taxes

HOUSE BILL No. 1172.

A Joint Resolution Proposing an amendment to section one Article nine of the Constitution of the Commonwealth of Pennsylvania

HOUSE BILL No. 1411.

An Act to further amend the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by conferring certain powers on the State Board of Optometrical Examiners further regulating and providing for the licensing of branch offices prescribing additional grounds for refusing cancelling revoking or suspending licenses and making certain changes as to persons who are and those who are not subject to the provisions of the act

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. BLANK. Mr. Speaker, I move that House Bill No. 916, Printer's No. 580, together with the message from the Senate which was laid upon the table, be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 916.

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

Mr. BLANK. Mr. Speaker, I move that the House insist upon the amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 916.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 916, Messrs. Blank, Walsh and Robert S. Hamilton.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 22.

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial educational and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, by inserting after the word "appropriation" in line 7 the words "creating said commission as a departmental administrative commission in the Department of Highways."

Amend Section 1, page 2, by striking out in line 19 the words "whose duty it shall be" and inserting in lieu thereof the following: "which shall be a departmental administrative commission in the Department of Highways and shall have the powers and perform the duties generally vested in and imposed upon departmental administrative boards and commissions by the Administrative Code of 1929 It shall be the duty of the commission in connection with the publicity and information furnished by the Department of Highways."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Atkins,	Gorski,	Merrell,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Smith, John A.,
Baine	Haberlen,	Moomaw,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Balthaser,	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Muir,	Stackpole,
Blank,	Harkins,	Munley,	Stank,
Bohn,	Harmuth,	Murrin,	Stewart,
Boies,	Hays,	Nagel,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Terry,
Boyer,	Hetrick,	O'Keefe,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Brancato,	Hirsch,	O'Neill,	Toole,
Brigerman,	Holland,	Ostroff,	Tronzo,
Broad,	Holmes,	Patterson, C. S.,	Trout,
Brown,	Holstrom,	Patterson, J. W.,	Tumelty,
Brownfield,	Hontz,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Schrock,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Marino,	Schor,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows.

HOUSE BILL No. 1360.

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended extending the time within which appeals from auditors' reports may be taken

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows.

Amend section 1, page 3, by striking out at the beginning of line 1 the word and figures "sixty (60)" and inserting in lieu thereof the word and figures "forty-five (45)."

Amend section 2, page 5, by striking out in line 22 the word and figures "sixty (60)" and inserting in lieu thereof the word and figures "forty-five (45)."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Atkins,	Gorski,	Merrell,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Smith, John A.,
Baine	Haberlen,	Moomaw,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Balthaser,	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Muir,	Stackpole,
Blank,	Harkins,	Munley,	Stank,
Bohn,	Harmuth,	Murrin,	Stewart,
Boies,	Hays,	Nagel,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Terry,
Boyer,	Hetrick,	O'Keefe,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Brancato,	Hirsch,	O'Neill,	Toole,
Brigerman,	Holland,	Ostroff,	Tronzo,
Broad,	Holmes,	Patterson, C. S.,	Trout,
Brown,	Holstrom,	Patterson, J. W.,	Tumelty,
Brownfield,	Hontz,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Valibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caesar,	Imbrie,	Pershing,	VanSickle,
Caputo,	Jirolanio,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Walsh,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1157, entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artifical or natural body of water non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats electrically propelled and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1157.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1157, Messrs. Achterman, LaRue and Wall.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 369.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 369, Printer's No. 509, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL AND COMMUNICATION LAID ON TABLE.

Mr. TRONZO. Mr. Speaker, I move that the bill together with the communication be laid upon the table.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. POWERS asked and obtained permission for the Committee on Judiciary Local to meet during the session of the House.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 144. (HOUSE BILL No. 2313).

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by increasing the powers and duties of district superintendents supervising principals and county superintendents changing the qualifications of county district assistant and associate superintendents and supervising principals increasing the terms of county and district superintendents and conferring powers and imposing duties on the State Council of Education.

Referred to the Committee on Education.

SENATE BILL No. 885. (HOUSE BILL No. 2314).

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training re-training instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

Referred to the Committee on Education.

SENATE BILL No. 1020. (HOUSE BILL No. 2315).

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions in which it shall be administered and prescribing penalties for violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the employment by school auditors and for the compensation of an attorney.

Referred to the Committee on Education.

SENATE BILL No. 1025. (HOUSE BILL No. 2316).

An Act to amend sections four hundred fifteen and four hundred sixteen article four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law provising for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Llodys associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing for penalties and repealing existing laws" as amended further defining group life insurance.

Referred to the Committee on Insurance.

SENATE BILL No. 1043. (HOUSE BILL No. 2317).

A Joint Resolution proposing an amendment to section four Article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 1050. (HOUSE BILL No. 2318)

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred sixty-one) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor" by substituting Owen J. Zimmerman or his successor in title for Samuel Zimmerman.

Referred to the Committee on State Government.

SENATE BILL No. 1053. (HOUSE BILL No. 2319).

A Joint Resolution authorizing the Insurance Department and the Department of Revenue to make a fair and impartial joint investigation of the efficacy wisdom and practicability of the laws of the Commonwealth relating to automobile insurance and the laws in effect in other states relating to automobile insurance for the purpose of ascertaining the advisability of enacting in this Commonwealth a compulsory motor vehicle insurance law or an automobile accident compensation law or both requiring said departments to make a joint report to the next session of the General Assembly of their findings and recommendations as to such legislation as may be necessary or desirable and conferring upon the Insurance Commissioner and the Secretary of Revenue power to issue subpoenas and the courts power to punish those refusing to obey the same.

Referred to the Committee on Insurance.

SENATE BILL No. 1120. (HOUSE BILL No. 2320).

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods of preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under oath and prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claim.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1121. (HOUSE BILL No. 2321).

An Act providing for the erection construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon designating the manner of acquiring or setting aside of land for the erection and construction of the new school by the General State Authority authorizing the Commonwealth to lease the new school and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon and conferring powers and imposing duties upon certain State departments boards commissions and officers.

Referred to the Committee on State Government.

SENATE BILL No. 1134. (HOUSE BILL No. 2322).

An Act to repeal the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws 102) entitled "An act transferring money from the State School Fund to the General Fund and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

Referred to the Committee on Appropriations.

SENATE BILL No. 1138. (HOUSE BILL No. 2323).

An Act prohibiting the sale transfer purchase ownership possession and use of tear and noxious gas and tear gas guns providing certain exemptions and providing penalties.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1153. (HOUSE BILL No. 2324).

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of the cities of the second class" establishing a Department of Lands and Buildings in said cities providing for its office and employes defining the powers duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

Referred to the Committee on Cities.

SENATE BILL No. 1154. (HOUSE BILL No. 2325).

An Act to amend article four of the act approved the seventh day of March one thousand nine hundred one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

Referred to the Committee on Cities.

SENATE BILL No. 1156. (HOUSE BILL No. 2326).

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of waterworks and for extensions and improvements to waterworks providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers and establishing the rights of bondholders.

Referred to the Committee on Cities.

SENATE BILL No. 1157. (HOUSE BILL No. 2327).

An Act authorizing and empowering cities of the second class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain and to use sell and purchase water within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws.

Referred to the Committee on Cities.

SENATE BILL No. 1166. (HOUSE BILL No. 2328).

An Act authorizing the Department of Property and

Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college and making an appropriation.

Referred to the Committee on State Government.

SENATE BILL No. 1171. (HOUSE BILL No. 2329).

A Joint Resolution proposing an amendment to Article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

BILL INTRODUCED AND REFERRED

By Mr. OMINSKY. HOUSE BILL No. 2330.

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

Mr. OMINSKY In the Chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1194, entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee providing for the appointment of its members and defining its powers and duties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1086, entitled:

An Act to fix the compensation of the assistant custodians of the Senate chamber and the hall of the House of Representatives

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1894, entitled:

An Act relating to soil conservation, and soil erosion and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts, prescribing penalties and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. WESTRICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study and amendment

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 151, entitled:

An Act to amend the act approved the eleventh day of May one thousand nine hundred and twenty-five (P. L. 561) entitled "An act to provide for the selection of jurors to serve in the several courts criminal and civil of counties of the second class and defining the qualifications of such jurors providing for the organization of a commission for the selection of jurors in such counties and prescribing its powers and duties and authorizing it to investigate as to the qualifications of prospective jurors imposing the expense of maintaining and operating said commission upon said counties and requiring the county commissioners to provide suitable quarters equipment and supplies authorizing the employment of the necessary clerks and other employes and providing for a salary board composed of the commission the county commissioners and the controller of said counties to fix the number and compensation of such employes requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibilty for jury service repealing inconsistent legislation and prescribing punishment for the violation thereof" as amended by extending the provisions of said act to counties of the third fourth fifth sixth seventh and eighth classes and repealing inconsistent and supplied legislation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2113, entitled:

An Act providing for the reciprocal enforcement of violations of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1650, entitled:

An Act creating in counties of the first class the position of Bail Approval Commissioner prescribing the powers and duties thereof limiting jurisdiction to cases in which real property is offered as bail and conferring and imposing such powers and duties upon the controllers of counties of the first class providing for the appointment by such Bail Approval Commissioner certain necessary clerks and employes and prescribing the duties and compensation thereof: imposing duties on Judges of the Court of Quarter Sessions and Oyer and Terminer and upon magistrates in counties of the first class: and requiring all departments of counties and cities of the first class to supply certain information prescribing offenses and providing penalties therefor

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2244, (Senate Bill No. 813), entitled:

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens are of record against real estate acquired by the Common-

wealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2253, (Senate Bill No. 358), entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred and two A to the act, approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," providing for and regulating the method of making appropriations, expenditures, contracts, employments, and purchases by the townships; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors, the Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs; requiring auditors to file an annual report with such Department; conferring jurisdiction of certain cases upon alderman, magistrates and justices of the peace; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1881, entitled:

An Act to provide for a third additional law judge of the Court of Common Pleas of the Tenth Judicial District

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1378, entitled:

An Act to amend section two of the act approved the fourteenth day of May one thousand nine hundred and fifteen (P. L. 483) entitled "An act relating to practice in the Courts of Common Pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" as amended by providing that all pleadings filed therein shall constitute a part of the record without formal presentation at time of trial

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1336, entitled:

An Act to provide for a third additional law judge of the several courts of the forty-fifth judicial district

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 946, entitled:

A Joint Resolution proposing an amendment to section eight Article five of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2108, entitled:

An Act to carry into effect section eleven of Article one of the Constitution of the Commonwealth of Pennsylvania by designating the manner the courts and the cases in which suits may be brought against the Commonwealth defining the procedure in such cases and providing for the payment of judgment interest and cost by the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT BILL

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York Mr. Cohen if he is aware that the sponsor of this bill is not in the House.

Mr. HERBERT B. COHEN. Mr. Speaker, replying to the gentleman from Delaware, under the circumstances I withdraw my motion.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1363, entitled:

An Act making voidable releases of claims for personal injuries or death and providing for the avoidance of the same

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 450, entitled:

An Act proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 254, entitled:

A Joint Resolution proposing an amendment to Article eight section one of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

QUESTION OF INFORMATION

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from York will state his question of information.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire whether the gentleman from Erie, Mr. Van Allsburg is in the House.

The SPEAKER. The gentleman from Erie, Mr. Van Allsburg is in the House.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of amendment.

On the question,

Will the House agree to the motion

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, ninety-four members having voted in the affirmative and forty-one in the negative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2099, entitled:

An Act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth seventh and eighth classes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2251, (Senate Bill No. 66), entitled:

An Act to amend section five of the act, approved the sixteenth day of May, one thousand nine hundred twenty-nine (P. L. 1780), entitled "An act to fix the salaries and compensation of the judges of the Supreme Court, the judges of the Superior Court, the judges of the Courts of Common Pleas, the judges of the Orphan's Courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2250, (Senate Bill No. 1044), entitled:

An Act authorizing Courts of Common Pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs, and exempting mortgages issued under the National Housing Act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2274, (Senate Bill No. 337), entitled:

An Act relating to memorial halls in counties of the second class erected in memory of the soldiers sailors and marines who served in the Civil War and providing for the use upkeep and management and control of such halls

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2256, (Senate Bill No. 892), entitled:

An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1959, entitled:

An Act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. WESTRICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1684, entitled:

An Act to repeal section eight of the act approved the

sixteenth day of April one thousand eight hundred and forty-nine (Pamphlet Laws six hundred sixty-three) entitled "A supplement to the act relating to lunatics and habitual drunkards to punish aldermen and justices of the peace for misdemeanors relating to arbitrations in the district court in the City and County of Philadelphia relative to deeds of assignment relative to judgment liens relating to limitation of actions and relating to liens and terre tenants and for the more effectual punishment of the crime of arson"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2057, entitled:

An Act to protect the public against fraud and deception regulating the business of selling fuels by requiring persons engaged in the sale storage use or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Roy E. Furman) in the Chair.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2149, (Senate Bill No. 373), entitled:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into the contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by removing the date by which projects must be commenced removing certain restrictions against construction of projects extending the life of Authorities providing for the creation of Authorities by joint action of municipalities and townships providing for the audit of accounts of Authorities regulating contracts by Authorities regulating the number and terms of members of the governing boards of Authorities authorizing the Commonwealth and the political subdivision thereof to transfer certain contracts to the Authorities authorizing Authorities to accept and acquire certain contracts and limiting the powers of receivers appointed therefor

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eight day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" are hereby amended to read as follows

An Act providing for a limited period of time for the incorporation as bodies corporate and politic of "Authorities" for municipalities and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality singly or of one or more municipalities jointly shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation thereof Thereafter the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties Said notice shall contain a brief statement of the substance of said resolution or ordinance including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other Authority organized under this act or under the act approved December twenty-seven one thousand nine hundred and thirty-three (Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen) is in existence in or for the incorporating municipality or municipalities

(d) The name of the incorporating municipality or municipalities together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said authority

All of which matter shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation

by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

Any Authority heretofore created under the laws of the Commonwealth of Pennsylvania in addition to powers granted or conferred upon said authority shall possess all the powers provided in this act

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of constructing improving maintaining and operating bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars [low cost housing] projects parks recreation grounds and facilities sewers sewer systems sewage treatment works water supply works swimming pools playgrounds lakes [low head] dams hospitals and subways (any and all the foregoing being herein called "projects") [Provided however That no authority shall be created and no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of [thirty-two] fifty years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof and in respect to any project constructed and operated under agreement with any public authority of any adjoining state to borrow money and issue such notes bonds and other evidences of indebtedness and obligations jointly with any such authority

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

(o) To contract with any corporation or any public authority of any adjoining state on such terms as the said authority shall deem proper for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state

Provided however [that] That the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement afore-

said) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The Court of Common Pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facilities of the Authority or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise dispose of any of the assets of whatever kind and character belonging to the Authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority

Section 7 Governing Body The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows

If the Authority is incorporated by one municipality the board shall consist of five members each of whom shall be a citizen of [the] such municipality [for which the Authority is created] The [municipal authorities] governing body of such [municipalities] municipality shall appoint the members of the board one of whom shall serve for a year one for two years one for three years one for four years and one for five years from the January first next succeeding the date of incorporation Thereafter the [municipal authorities] said governing body shall at a meeting held [at least a] not later than one month prior to after January first in each following the year in which a vacancy occurs appoint as a member of the board a citizen of the municipality for which the Authority is created for a term of five years to succeed the member whose term expires on the January first next succeeding

If the Authority is incorporated by two or more municipalities the Board shall consist of a number of members at least equal to the number of municipalities incorporating the Authority but in no event less than five

The members of the board shall be appointed their terms staggered and vacancies filled and where the number of municipalities joining is less than five shall be apportioned in such manner as the articles of incorporation shall provide No member shall be appointed for a term longer than five years

Members shall hold office until their successors have been appointed and may success themselves and shall receive such salaries as may be determined by the [municipal authorities] governing body or bodies of the municipality or municipalities but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed A member may be removed for cause by the Court of Quarter Sessions of the county in which the Authority is located after having been provided with a copy of the charges against him for at least ten days and full hearing by the court If a vacancy shall occur by reason of the death disqualification resignation or removal of a member the municipal authorities shall appoint a successor to fill his unexpired term

[Three] A majority of the members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal bylaws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Where any Authority has been created prior to the effective date of these amendments with a board composed of five members such board shall continue as the governing body of such Authority with all the powers conferred by this act The members of any such board shall hold the terms of office for which they were originally appointed and in case of a vacancy for any reason in the office of any member a successor shall be appointed for a full term of five years by the governing body of the municipality for which the Authority was created

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the municipality or municipalities creating the Authority having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders [The Department of Revenue of the Commonwealth and its legally authorized representatives are] The controller auditors or accountant designated by the municipality or municipalities are hereby authorized and empowered from time to time to examine at the expense of the authority the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease lend grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems sewage treatment works lakes or any part or parts thereof or any interest in real or personal property which may be used by

the Authority in the construction improvement maintenance or operation of any project The Commonwealth the county or any city borough or township are also authorized to transfer assign and set over to the Authority any contracts which may have been awarded by said Commonwealth county city borough or township for the construction of projects not begun or if begun not completed

Section 10 Competition in Awards of Contracts If any project or any portion thereof or any improvement or repair thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The board may make rules and regulations for the submission of bids [and] for the construction or improvement or repair of any project or portion thereof no contract shall be entered into for construction or improvement or repair of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority and in an amount fixed by the Authority for the faithful performances of the contract All [construction] such contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct repair or improve any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof Provided however That the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of section nine of this act nor to any contract in connection with the construction of any project which the Authority may have had transferred to it by any person or private corporation

Section 11 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act Provided however That no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain And provided further That in event of the exercise of eminent domain for the purpose of establishing housing projects the [authorities] Authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality or one of the municipalities by which such Authority was organized

Section 14 Termination of Authority When any Authority shall have finally paid and discharged all bonds which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality or municipalities creating the Authority When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against it it may convey all its property to the municipality or municipalities and terminate its existence A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth [who if he approve] If the certificate is approved by the municipality or municipalities creating the authority by its ordinance or ordinances the said secretary shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the board which shall cause the same to be recorded in the office of the recorder of deeds of the county Thereupon the property of said Authority shall pass to the municipality or municipalities and the Authority shall cease to exist

Section 18 If a project shall have been established under this act by a board appointed by a municipality or municipalities which project is of a character which the municipality or municipalities [has] have power to [itself] establish maintain or operate and such municipality [desires] or municipalities desire to acquire the same it or they may by appropriate resolution or ordinance adopted by the proper Authorities signify its or their desire to do so and thereupon the Authorities shall convey by appropriate instrument said project to such municipality or municipalities upon the assumption by the latter of all the obligations incurred by the Authorities with respect to that project

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (title), page 3, line 11, by striking out with light faced brackets, the following: "a limited period of time for"

Amend sec. 1 (title), page 3, line 13, by inserting after the word: "municipalities" the following: "counties"

Amend sec. 1 (sec. 4), page 6, line 3, by inserting after the word: "of" the following: "acquiring, holding"

Amend sec. 1 (sec. 4), page 6, line 4, by inserting after the word: "operating" the following: "owning, leasing, either in the capacity of lessor or lessee, buildings to be devoted wholly or partially for public uses and for revenue-producing purposes, transportation, marketing, shopping terminals,"

Amend sec. 1 (sec. 4), page 6, line 9, by inserting after the word: "hospitals" the following: "motor buses for public use when such motor buses are to be used within any municipality"

Amend section 1 page 7, sub-section (i), line 28 by inserting after the word "Authority" the following "said bonds to have a maturity date not longer than forty years from the date of issue"

Amend section 1 page 13, section 7, line 20, by striking out the word "success" and insert in lieu thereof "succeed"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 463), entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic, of 'Authorities,' for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by removing the date by which projects must be commenced; removing certain restrictions against construction of projects; extending the life of Authorities; providing for the creation of Authorities by joint action of municipalities and townships providing for the audit of accounts of authorities regulating contracts by authorities regulating the number and terms of members of the governing boards of Authorities authorizing the Commonwealth and the political subdivision thereof to transfer certain contracts to the Authorities authorizing Authorities to accept and acquire certain contracts and limiting the powers of receivers appointed therefor

On the question,

Will the House agree to the title?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 2, line 8 of title, by inserting after the word: "commenced" the following "extending the powers therein granted, providing for additional projects and"

Amend title, page 2, line 10 of title, by inserting after the word: "joint" the following: "or single"

Amend title, page 2, line 11 of title, by inserting after the word: "municipalities" the following: "counties"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2121, (Senate Bill No. 219), entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the appointment and compensation of a detective to the district attorney in counties of the fifth class.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2225, Senate Bill No. 787 Printer's No. 310 was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 248 as follows:

An Act to carry into effect section one of Article fifteen of the Constitution giving cities other than cities of the first and second classes the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

ARTICLE I

Adoption of City Charters

Section 1 Cities Empowered to Adopt Charters Any city other than a city of the first or second class may frame and adopt a charter for it own government in the following manner

Section 2 Initiation of Proceeding to Adopt Charter The city council or other legislative authority of said city by a two-thirds vote of its members may or upon petition signed by qualified electors equal in number to at least twenty per centum of the total number of electors registered at the preceding general or municipal election shall forthwith provide by ordinance for the submission to the qualified electors of the city of the question "Shall a commission be chosen to frame a charter for the city of ...." But in no case shall more than twenty-five thousand signatures be required on any such petition

Such ordinance shall require that the question be submitted to the qualified electors at the next general or municipal election occurring at least sixty days after the enactment of the ordinance

A copy of said ordinance certified by the secretary or clerk of the legislative authority of the city shall be filed with the county commissioners and with the Secretary of the Commonwealth

Section 3 Nominations of Candidates for Commission At the same election a charter commission shall be elected Candidates for the commission shall be nominated by nomination papers filed with the county commissioners at least twenty-eight days before the election The nomination papers of each candidate shall set forth his name profession business or occupation if any and his place of residence with street and number if any and shall be signed by qualified electors equal in number to not less than two per centum of the total number of qualified electors of the city as shown by the last preceding personal registration of the electors of the city but in no case shall less than one hundred nor more than one thousand signatures be required for the nomination of any one candidate Each elector signing a nomination paper shall add to his signature his occupation and residence giving street and number of any and shall also add the date of signing No elector shall sign nomination papers for more than ten candidates Nomination may be on one or more sheets but each sheet shall have appended to it the affidavit of some person not necessarily a signer and not necessarily the same person on each sheet setting for (a) that the affiant is a qualified elector of the city (b) his residence with street and number if any (c) that

the signers signed with full knowledge of the contents of the nomination paper (d) that their respective residences are correctly stated therein (e) that they all reside in the city (f) that each signed on the date set opposite his name and (g) that the best of affiant's knowledge and belief the signers are qualified electors of the city Blank forms of nomination papers shall be prepared by the secretary or clerk of the city council or other legislative authority of the city in form prescribed by the Secretary of the Commonwealth and copies of such nomination papers shall be furnished by him to candidates upon application

Section 4 Proceedings to Set Aside Nomination Papers Application to set aside any nomination paper may be made by petition filed in the Court of Common Pleas of the county within five days after the last day for the filing of nomination papers with the county commissioners and such petitions shall specifically set forth the matters objected to Upon the presentation of any such petition the court shall make an order fixing a time for hearing which shall not be later than ten days after the last day for filing nomination with the county commissioners The court shall also specify the time and the manner of notice that shall be given to the candidate named in the nomination paper sought to be set aside

No nomination paper shall be set aside except for

(a) Material error or defects apparent upon the face thereof or on the face of the appended or accompanying affidavit or

(b) Material alterations made after signing without the consent of the signers or

(c) Want of sufficient number of genuine signatures of persons qualified with respect to age residence and citizenship to be electors

If the matters objected to are such as are specified in subdivision (a) of this section the court upon hearing the case may in its permit amendments within such time and upon such terms as to the payment of costs as the court may specify

In case the petition to set aside a nomination paper is dismissed the petitioner shall pay the whole of the costs of the proceedings including all witness fees

Section 5 Form of Question Arrangement of Names of Candidates The county commissioners shall cause the question hereinbefore provided for and the names of the candidates for the charter commission to be printed upon ballots or ballot labels to be used at the election in the for and manner provided by the laws governing general and municipal elections The names of the candidates shall be printed on the ballots or ballot labels without any party designation The position of the names of the candidates upon the ballots or ballot labels shall be determined by the drawing of lots at at time and place fixed by the county commissioners

Section 6 Number of Candidates to be Voted for Membership of Commission Tie Votes Each qualified elector shall be entitled to vote for ten candidates only and the fifteen candidates receiving the highest respective vote shall be declared elected and shall constitute the charter commission In case of a tie vote between two or more candidates the person to be entitled to membership on the commission shall be selected by the casting of lots before the prothonotary of the county at a time and place to be fixed by him

Section 7 Vacancies Vacancies in the membership of the commission caused by death resignation removal from the city or otherwise shall be filled by the remaining members of the commission

Section 8 Effect of Negative and Majority Votes Organization of Commission If a majority of the qualified electors voting on the question "Shall a commission be chosen to frame a charter for the city of ....." shall vote in the negative then no further proceedings shall be had and all proceedings theretofore had shall be of no effect If a majority of the qualified electors so voting shall vote in the affirmative then the mayor or other chief executive of the city shall fix a time and place and call a meeting of the members of the charter commission within thirty days after said election and at such meeting the commission shall organize and proceed to frame a charter for the government of such city No member of the commission shall receive any compensation for his or her services on said commission All meetings of the commission shall be open to the public except when the commission may desire an executive session

Section 9 Framing of Proposed Charter and Ballot Questions Signing and Filing and Distribution of Official Draft Separate and Alternative Provisions The charter commission thereupon shall proceed to frame a charter for the government of the city for submission as one proposal or as one main proposals and separate proposals for severable or alternative provisions

The commission shall prepare an official draft setting forth the text of the proposal or proposals submitted by it for vote of the qualified electors together with the form of the question or questions to be printed on the ballot or ballot labels The commission shall endeavor to frame each separate proposal and ballot question so as to avoid any conflicts among provisions which may be adopted by vote of the qualified electors and so as to show on the ballots or ballot labels when a proposition must fail with another proposition Should two or more propositions adopted by vote of the qualified electors be found to conflict the proposition receiving the largest number of votes shall control as to all matters in conflict

The official draft shall be signed by at least a majority of the members of the commission Not later than nine months after the election of the commission the commission shall file this draft with the secretary or clerk of the city council or other legislative authority of the city and he shall cause it to be recorded at length in the minutes and also transmit a correct copy of the question or questions to be placed on the ballots or ballot labels to the county commissioners or other authority charged with the preparation of the ballots or voting machines upon which the questions are to be placed at least thirty days before the election at which the questions are to be submitted

The commission shall cause the official draft of its proposal and ballot questions to be printed in pamphlet form and in such number as the commission shall determine Said pamphlets shall be deposited with the secretary or clerk of the city council or other legislative authority of the city at least seventy days before the election hereinafter provided for and shall by him be distributed to qualified electors of the city upon application The commission shall make such further provisions as it may deem necessary for giving to the qualified electors of the city information concerning its proposals

Section 10 Submission of Proposed Charter The charter so framed shall be submitted for approval to the qualified electors of the city at the general or municipal election next suceeding the one at which the commission was elected

Section 11 Effect of Charter on Existing Laws Such proposal or proposals as are approved by a majority of the qualified electors voting thereon subject to the exceptions provided herein shall become the organic law of the city at such time as may be fixed therein and all courts shall take judicial notice thereof So far as the same is consistent with the grant of powers and the limitations restrictions and regulations hereinafter prescribed it shall supersede any existing charter and all acts or parts of acts affecting the organization government and powers of such city which are in conflict therewith All existing acts or parts of acts and ordinances affecting the organization government and powers of the city not in conflict with the organic law so adopted shall remain in full force. No contract existing at the time of the adoption of a charter by a city under the provisions of this act shall be affected thereby but such contract shall have the same force and effect and be of the same validity as if such charter had not been adopted

Section 12 Recording and Filing of Charter Printing in Pamphlet Laws The secretary or clerk of the city council or other legislative authority of the city shall forthwith cause the said charter as approved by the qualified electors to be recorded in the ordinance book of the city and in the office of the recorder of deeds of the proper county or counties in a book to be provided and kept for that

purpose He shall also file a certified copy thereof in the office of the Secretary of the Commonwealth and the text thereof shall be published as an appendix to the pamphlet laws subsequently published

Section 13 Conduct of Elections Returns Certification of Election All elections provided for in this act shall be conducted by the election officers for such city in accordance with the laws governing general and municipal elections The election officers shall count the votes cast and make return thereof to the prothonotary of the county The result of any such election shall be computed in the same manner and by the same return board as is provided by law for the computation of other returns at any such election Certificates of the result of any such election shall be filed by the prothonotary with the city council or other legislative authority of the city and with the Secretary of the Commonwealth and certificates of election shall be given by the prothonotary to the candidates elected to any charter commission

Section 14 Notice of Elections At least thirty days' notice of each election herein provided for shall be given by proclamation of the mayor other chief executive of the city A copy of such proclamation shall be posted at each polling place of the city and shall be published in each daily newspaper of the city once a week for four successive weeks prior to the election

Section 15 Expenses Paid By City The expenses of the charter commission including the cost of publishing and distributing the commission's proposal or proposals and all other expenses incurred in connection with any proceedings hereinbefore provided for when not otherwise provided for by law shall be paid from the city treasury and the city council or other appropriating authority of the city shall provide therefor

ARTICLE II

New Charters Amendments

Section 20 Initiation Proceedings Any charter adopted under the provisions of this act may be amended or replaced by a new charter through the medium of a commission in the same manner as is hereinbefore provided for the adoption of a charter Amendments to any charter adopted under the provisions of this act may also be proposed by a two-thirds vote of the city council or other legislative authority of the city or by a petition filed with the city council or other legislative authority of the city setting forth the proposed amendment or amendments and signed by qualified electors equal in number to not less than twenty per centum of the total number of qualified electors registered in the city at the preceding general or municipal election but in no case shall more than twenty-five thousand signatures be required

Section 21 Qualified Electors to Vote on Amendments All amendments proposed by the council or other legislative authority of the city or by petition of qualified electors shall be submitted to the qualified electors of the city for adoption at the next general or municipal election occurring at least ninety days after such proposal by the city council or other legislative authority or the filing of a petition by qualified electors

Section 22 Question to be Submitted to Qualified Electors Whenever it is proposed to create a commission for the purpose of drafting a new charter or amendments to an existing charter adopted under the provisions of this act the question to be submitted to the qualified electors shall be "Shall a commission be chosen to frame (a new charter for) (amendments to the charter of) the city of ....."

Whenever amendments are proposed by the city council or other legislative authority of the city or by petition of qualified electors the question to be submitted to the qualified electors of the city shall be framed by the city council or other legislative authority

Ballot questions must be so framed that a qualified elector may vote for or against any amendment without voting for or against all amendments submitted

Section 23 Elections on New Charters and Amendments Publication Except as in this article otherwise provided all proceedings for the holding of elections to vote on the adoption of a new charter or amendments to an existing charter shall be as hereinbefore provided for elections on the question of the adoption of a charter Amendments proposed by the city council or other legislative authority of the city or by petition of qualified electors shall be published and distributed in the manner provided for the the publication and distribution of the proposal or proposals of the charter commission

Section 24 Limitations on the Adoption of New Charters and Amendments No question for the election of a commission to frame a new charter or to frame amendments a charter adopted under the provisions of this act shall be submitted to the qualified electors oftener than once in every four years Amendments proposed by the city council or other legislative authority of the city or by petition of qualified electors may be submitted at any general or municipal election

Section 25 Effect of New Charters and Amendments All new charters or amendments to existing charters when duly adopted filed and recorded as hereinbefore provided in the case of the adoption of a charter shall become the organic law or part thereof of the city and shall take effect at the time specified therein

ARTICLE III

General Grant of Powers Limitations

Section 30 General Grant of Power and Authority Subject to the limitations hereinafter prescribed each city taking advantage of this act and framing and adopting or amending its own charter thereunder shall have and may exercise all powers and authority of local self government and shall have complete powers of legislation and administration in municipal affairs The charter of any city adopted in accordance with this act may provide for any form or system of municipal government and for the exercise of any and all powers thereof not inconsistent with the Constitution of the United States or of this Commonwealth to the full extent that the General Assembly may legislate in reference thereto as to cities or cities of any class and with like effect and the city may enact ordinances rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the city by the charter it adopts or by this or any other law Ordinances rules and regulations adopted under the authority of this act or under the provisions of the charters adopted hereunder shall be enforceable by the imposition of fines forfeitures and penalties not exceeding three hundred dollars and by imprisonment for a period not exceeding ninety days

Section 31 Limitations Nothing contained in the foregoing grant of powers and authority shall authorize any city to adopt provisions in any charter contrary to any provisions of law which are

1 Applicable to a class or classes of cities on the following subjects

(a) Limiting rates and fixing subjects of taxation

(b) Providing for the assessment of real or personal property and persons for taxation purposes

(c) Providing for the filing and collection of municipal and tax claims or liens and for the sale of real or personal property in satisfaction thereof

(d) Providing the procedure for the condemnation of property for public purposes

(e) Providing for the assessment of damages and benefits for property taken injured or destroyed

(f) Providing methods for the incurring or increasing of indebtedness

(g) Providing for the annexation or exclusion or detachment of territory

(h) Regulating public schools or

(i) Providing for the personal registration of electors

2 Applicable in every part of the Commonwealth or

3 Applicable to all the cities of the Commonwealth

But any such charter may prescribe the manner in which elective city officers may be nominated and elected nor

Shall any city exercise any powers or authority be-

yond the city limits except such as are conferred by act of the General Assembly

Section 32 Subsequent Legislation No act of the General Assembly applicable to a class or classes of cities which is enacted after the adoption of a charter by any city under the provisions of this act shall be held to apply to such city unless expressly so provided therein or unless it relates to one of the subjects mentioned in subsection 1 of section 31 of this act

ARTICLE IV

General Provisions

Section 40 Validation of Charter Proceedings No charter or any amendment to an existing charter when adopted by a majority vote of the qualified electors of any city voting at any general or municipal election shall be declared invalid or be set oside on account of any defect error or omission in the proceedings for the adoption of any such charter or amendment and all such proceedings after such adoption shall be and are hereby validated

Section 41 Construction of Act The provisions of this act are declared to be severable and if any of its provisions are declared unconstitutional such decision shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 42 Repealer All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1214, entitled:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and demonstrators prescribing certain qualifications for examiners inspectors and supervisors making certain changes in the powers and duties of the Department of Public Instruction and in the procedures to be followed in the enforcement of the act

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two three four five six eight nine and eleven of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties are hereby amended to read as follows

Section 1 The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Beauty Culture" includes any or all work done for compensation either direct or indirect by any person which work is generally and usually performed by so-called hair-dressers cosmetologists cosmeticians beauticians or beauty culturists and however denominated in so-called hairdressing and beauty shops ordinarily patronized by women which work is for the embellishment cleanliness and beautification of the [women's] hair such as arranging dressing curling waving permanent waving cleansing cutting singeing bleaching coloring pressing or similar work thereon and thereabout and the removal of superfluous hair by means of waxes depilatories or other agencies and the massaging cleansing stimulating manipulating exercising or similar work upon the scalp face arms or hands or the upper part of the body by the use of mechanical or electrical apparatus or appliances or cosmetics preparations tonics antiseptics creams or lotions or by any other means and of manicuring or embellishing the nails of the fingers or the toes which enumerated practices shall be inclusive of the term beauty culture but not in limitation thereof

On the question,

Will the Houte agree to the section?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1 (section 1), page 3, line 13, by striking out the word "electial" and inserting in lieu thereof the word "electrical"

Amend section 1 (section 4 (b)), page 4, line 21, by striking out the word "beauty"

Amend section 1 (section 4 (b)), page 4, line 21, by inserting after the word "school" the following: "of beauty culture"

Amend section 1 (section 4 (c)), page 5, line 6, by striking out the word "twenty-one" and inserting in lieu thereof the word "sixteen"

Amend section 1 (section 4 (c)), page 5, line 7, by striking the word "an" and inserting in lieu thereof the words "a licensed"

Amend section 1 (section 4 (c)), page 5, line 11, by inserting after the word "operator" the following: "Provided, That a licensed operator who possess proper qualifications as to age and experience shall be credited as having completed one thousand hours training and shall be eligible to take a teachers examination on completion of the remaining number of hours specified in the following schedule"

Amend section 1 (section 4 (c)), page 5, line 12, by striking out the words "Provided That after" and inserting in lieu thereof the word "After"

Amend section 1 (section 4 (c)), page 5, line 16, by striking out the words "in a school"

Amend section 1 (section 4 (c)), page 5, line 18, by striking out the word "four" inserting in lieu thereof the word "two"

Amend section 1 (section 4 (c)), page 5, line 22, by striking out the word "eight" and inserting in lieu thereof the word "four"

Amend section 1 (section 4 (c)), page 5, line 26, by striking out the word "twelve" and inserting in lieu thereof the word "six"

Amend section 1 (section 4 (c)), page 5, line 27, by adding after the word "training" the following: "The vocational teacher-training as herein specified shall be of such nature and quality as to be on a level of approved college credits."

Amend section 1 (section 4 (d)), page 6, line 5, by striking out the word "a" and inserting in lieu thereof the words: "an approved"

Amend section 1 (section 4 (d)), page 6, line 6, by inserting after the word "apprentice" the following: "inclusive of the studies necessary to become an operator"

Amend section 1 (section 4 (d)), page 6, line 11, by adding after the word "act" the following: "and the amendment thereto"

Amend section 1 (section 6 (a)), page 7, line 29, by inserting after the word "school" the following: "actually available for class-room purposes shall"

Amend section 1 (section 6 (a)), page 7, line 29, by striking out the words "twelve hundred" and inserting in lieu thereof the words: "one thousand"

Amend section 1 (section 6 (b)), page 8, line 19, by striking out the word "fifteen" and inserting in lieu thereof the word "ten"

Amend section 1 (section 6 (b)), page 8, line 21, by striking out the word "conduct" and inserting in lieu thereof the words "determine whether"

Amend section 1 (section 6 (b)), page 8, line 21, by inserting after the word "hearing" the following: "shall be held"

Amend section 1 (section 6 (b)), page 8, line 22, by striking out the word "ten" and inserting in lieu thereof the word "five"

Amend section 1 (section 6 (b)), page 8, line 23, by inserting after the word "hearing" the words "if held"

Amend section 1 (section 6 (b)), page 8, line 24, by striking out the word "refuse" and inserting in lieu thereof the word "reject"

Amend section 1 (section 6 (b)), page 8, line 25, by striking out the word "grant" and inserting in lieu thereof the word "accept"

Amend section 1 (section 6 (c)), page 8, line 27 to page 9, line 10, by striking out all the words of clause (c), and inserting in lieu thereof the following: "There shall be required of every applicant for license as an operator of a beauty shop who enters a course of training after the first day of November, one thousand nine hundred and thirty-seven but before the first day of March, one thousand nine hundred and thirty-eight, eleven hundred hours of training. There shall be required of such applicants who enter a course of training after the first day of March, one thousand nine hundred and thirty-eight but before the first day of November, one thousand nine hundred and thirty-eight, thirteen hundred hours of training. There shall be required of al such applicants who enter a course of training after the first day of November, one thousand nine hundred and thirty-eight, fifteen hundred hours of training."

Amend section 1 (section 6 (d)), page 9, line 13, by inserting after the word "schools" the words "and the teachers of apprentices"

Amend section 1 (section 6 (d)), page 9, line 24, by inserting after the word "practise" the word "inspection"

Amend section 1 (section 6 (d)), page 9, line 25, by striking out the word "both" and inserting in lieu thereof the words "in a combination of"

Amend section 1 (section 6 (d)), page 9, line 25, by inserting after the word "practise" the word "inspection"

Amend section 1 (section 8), page 10, line 1, by striking out the word "treatments" and inserting in lieu thereof the word "services"

Amend section 1 (section 8), page 10, line 2, by inserting after the word "persons" the words "or in institutions"

Amend section 1 (section 8 (d)), page 10, line 19, by striking out the word "booths" and inserting in lieu thereof the word "operators"

Amend section 1 (section 8 (d)), page 10, line 24, by striking the word "inspector" and inserting in lieu thereof the word "investigator"

Amend section 1 (section 8 (d)), page 10, line 23, by striking out the word "inspection" and inserting in lieu thereof the word "investigation"

Amend section 1 (section 8 (d)), page 10, lines 26 and 27, by striking out the word "inspection" and inserting in lieu thereof the word "investigation"

Amend section 1 (section 8 (d)), page 10, lines 28 and 29, by striking out the words "as to size location and equipment"

Amend section 1 (section 8 (d)), page 11, line 1, by striking out the word "inspectors" and inserting in lieu thereof the word "investigators"

Amend section 1 (section 8 (d)), page 11, line 5, by striking out the word "inspector" and inserting in lieu thereof the word "investigator"

Amend section 1 (section 9), page 12, line 4, by inserting after the word "registered" the words "or approved"

Amend section 1 (section 9), page 12, line 6, by inserting after the word "operator" the words "or manicurist"

Amend section 1 (section 9), page 12, line 6, by inserting after the word "until" the words "the expiration of six weeks following"

Amend section 1 (section 9), page 12, line 13, by striking out the word "In" and inserting in lieu thereof the following: "At each examination center in"

Amend section 1 (section 9), page 12, line 23, by striking out the word "inspector" and inserting in lieu thereof the following: "investigator licensed in beauty culture"

Amend section 1 (section 9), page 13, line 2, by inserting after the said line a new paragraph, as follows: "When an examination is being conducted, the examiner in charge shall, at the end of each day, collect all examination papers which have been completed, and in the presence of the other examiners, shall seal the said papers and transmit them under seal to the Department of Public Instruction. The seal shall thereafter be broken in the presence of at least one member of the Beauty Culture Advisory Committee, and at least one member of the said Committee shall be in attendance during the entire period when the papers are being scored and the results thereof are being determined and recorded."

Amend section 1 (section 11), page 13, line 13, by striking out with light face brackets the word "its" and inserting in lieu thereof the word: "the"

Amend section 1 (section 11), page 13, line 15, by striking out with light face brackets the following words: "apprentices teachers students" and inserting in lieu thereof the following: "beauty shops, apprentices, operators, teachers, demonstrators, manicurists, students,"

Amend section 1 (section 11), page 13, line 19, by incerting before the word "and" the following: "operation"

Amend section 1 (section 11), page 13, line 21, by inserting before the word "of" the following words: "beauty shops and schools of beauty culture and"

Amend section 1 (section 11) page 13, line 23, by adding thereto the following words: "upon request"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 It shall be unlawful for any person to practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop or to use or maintain any place for the practice or teaching of beauty culture for compensation either direct or indirect unless he or she shall have first obtained from the department a certificate of registration as provided in this act Nothing contained in this act however shall apply to or affect any person who is now actually engaged in such occupation except as hereinafter provided

On the question,

Will the House agree to the section?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2 (section 12), page 14, line 4, by inserting before the word "or" the following words: "manicurist, demonstrator"

Amend section 2 (section 12), page 14, line 6, by inserting before the word "issued" the following: "except schools and shops"

Amend section 2 (section 12), page 14, line 7, by striking out the words: "and every renewal thereof"

Amend section 2 (section 12), page 14, lines 9 to 11, by striking out with light bracket the following words: "and where a certificate is issued in the name of a corporation it shall be furnished by the applicant for registration"

Amend section 2 (section 12), page 14, line 13, by inserting before the word "on" the following: "beginning"

Amend section 2 (section 12), page 14, line 25, by inserting at the end thereof the following: "or to manage a shop"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 Before any person may practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop such person shall file with the department a written application for registration accompanied by a health certificate issued by a registered licensed physician of Pennsylvania under oath on a form which shall be prescribed and supplied by such department and shall deposit with the department the registration fee and pass an examination as to fitness to practice or teach beauty culture or manage a beauty shop as hereinafter provided in this act

On the question,

Will the House agree to the section?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 3 (section 13), page 15, line 8, by inserting after the word "practices" the following: "or conduct"

Amend section 3 (section 13), page 15, line 12, by striking out with light face brackets the word "shall" and inserting in lieu thereof the word: "may"

Amend section 3 (section 13), page 15, line 12, by inserting before the word "suspended" the following word: "refused"

Amend section 3 (section 13), page 15, line 21, by inserting before the word "suspended" the following word: "refused"

Amend section 3 (section 13), page 15, line 23, by striking out with light face brackets the word "re-issued" and inserting in lieu thereof the following: "granted or re-instated"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 (a) No person shall be granted a certificate of registration as a student or apprentice unless such person shall have completed the eighth grade of the public school or its equivalent

(b) No person shall be permitted by the department to take an examination to receive a certificate as an operator unless such person shall be at least sixteen years of age and has been registered as a student and has had training as hereinafter provided in this act in a beauty school duty registered by the department or unless such person shall have been registered and served as an apprentice at least [two years] fifteen months as hereinafter provided in this act [Provided however That the department may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish to the satisfaction of the department that he or she has been an operator in the active practice of beauty culture for at least twenty-four months within the five years next preceding the effective date of this act]

(c) No person shall be permitted to take an examination for a certificate to teach beauty culture [or act as manager of a beauty shop] unless such person shall be [eighteen] twenty-one years of age and has had at least eighteen months' experience as an operator in a beauty culture shop [or] and has had training in a duly registered school of beauty culture of fifteen hundred hours or the equivalent thereof in apprenticeship training inclusive of the studies necessary to become an operator Provided That after the first day of January one thousand nine hundred and thirty-eight and until the first dayof September one thousand nine hundred and thirty-eight one thousand six hundred hours shall be required of all applicants for license as teacher in a school of beauty culture and the training shall include at least four semester hours of vocational training approved by the department after the first day of September one thousand nine hundred and thirty-eight and until the first day of January one thousand nine hundred and thirty-nine one thousand eight hundred hours shall be required including at least eight semester hours of vocational teacher training and after the first day of January one thousand nine hundred and thirty-nine two thousand hours shall be required including at least twelve semester hours of vocational teacher training

(d) After the first day of September one thousand nine hundred and thirty-seven no person shall be permitted to take an examination for a certificate to manage a beauty shop unless the said applicant is at lest twenty-one years of age holds a valid license as an operator has has at least one thousand five hundred hours of training in a school of beauty culture or the equivalent thereof in training as an apprentice and has had at least two years of experience as a licensed opertor The training of the said applicant shall include instruction in the rudiments of bookkeeping in shop and personnel management and in the laws and regulations for the administration of the beauty culture act

Every shop shall employ a licensed manager except that a shop in which the bona fide owner actually works as a licensed operator shall not be required to employ a licensed manager if the said owner actually devotes his personal time and attention to performance of such duties

On the question,

Will the House agree to the section?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 4 (section 16), page 16, line 16, by striking out with light face brackets the following: "shop owners" and inserting in lieu thereof the word: "shops"

Amend section 4 (section 16), page 16, lines 16 and 17, by striking out with light face brackets the following: "school instructors" and in inserting in lieu thereof the word: "teachers"

Amend section 4 (section 16), page 16, line 21, by striking out the following words: "one dollar ($1.00)" and inserting in lieu thereof the following: "five dollars ($5.00)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 A limited certificate of registration to manicure the nails only may be applied for and granted under all of the terms and conditions of this act except that the examination therefor may be limited to such practice only and the required beauty culture schooling shall be not less than one hundred fifty hours within a period of not less than one month

Section 6 (a) No school of beauty culture shall be granted a certificate of registration unless it shall attach to its staff as a consultant a person licensed by this Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours shall establish grades and hold examinations before issuance of diplomas and shall require a day school term of training of not less than one thousand hours within a period of not less than six [consecutive] months or a night school term of training of not less than one thousand hours within [for] a period of not less than twelve [consecutive] months for a complete operator's course Not more than seven hours of credit may be earned in any one day and not more than a total of thirty-five hours per week in schools which are open five days per week or more than a total of forty hours per week in schools which conduct classes on Saturdays [compromising] The said course shall embrace all or a majority of the practices of cosmetology as provided by this act and [to] include practical demonstrations and theoretical studies and study in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to beauty culture or any practice thereof and a study of the laws and regulations pertaining to the administration of the beauty culture act In no case shall there be less than one teacher to each [twenty-five] twenty pupils nor less than two registered teachers on the staff of any school No certificate shall be granted to a school of beauty culture not heretofore registered unless the floor space of such school be at least twelve hundred square feet and the apparatus and equipment of such school be in the opinion of the department adequate for the proper training of at least twenty pupils at one time In no case shall a certificate be granted unless it is established to the satisfaction of the department that the applicant is a morally and financially responsible person and in the case of a corporation that its officers and directors are such

(b) The applicant for a certificate of registration for a school of beauty culture shall advertise the intention to apply for the same in a newspaper of general circulation printed in the English language in the county in which the premises involved are situated Advertisements shall appear once per week for two consecutive weeks the last of which shall appear at least ten days prior to the date fixed for the presentation of the application and shall contain such information as the rules of the department may require

Objections thereto may be filed with the department within fifteen days after the presentation of the application Upon the filing of objections to any application the department shall conduct a hearing thereon at Harrisburg upon ten days notice to all interested parties At such hearing the department shall take testimony on and consider the application and exceptions and shall refuse or grant application upon such testimony or upon such other facts as the department upon investigation may ascertain

(c) After the first day of September one thousand nine hundred and thirty-eight and until the first day of January one thousand nine hundred and thirty-nine eleven hundred hours shall be required of all applicants for license as an operator of a beauty shop after the first day of January one thousand nine hundred and thirty-nine and until the first day of January one thousand nine hundred and forty thirteen hundred hours shall be required after the first day of January one thousand nine hundred and forty fifteen hundred hours shall be required

(d) There shall be at least one full time State supervisor of the schools of beauty culture who shall visit and supervise the schools report to the proper officials in the department all violations of the beauty culture laws and regulations offer advice and assistance to the owners and teachers of the several schools and perform such duties as may be required by the department in ascertaining which requests for the opening of new schools merit the approval of the department No one shall be eligible to serve as State supervisor without possessing the following qualification (1) Graduation from a course in a licensed school of beauty culture (2) possession of a valid certificate as a teacher of beauty culture (3) at least three years of experience in the practice or supervision of beauty culture or both practice and supervision after obtaining a teacher's license

Section 8 It shall be unlawful for any person to practice beauty culture for pay in any place other than a registered beauty shop Provided that a registered operator may furnish beauty culture treatments to persons in residence of such persons by appointment subject to the following requirements

(a) They shall prove to the Department that they are duly sponsored by a licensed shop in good standing and under competent management

(b) The owner of the sponsoring shop shall fully supply and equip the operator who renders service outside the shop

(c) All appointments in homes and other places where beauty culture service is rendered outside the shop shall be booked and recorded by the shop the operator represents

(d) The number of operators-by-appointment that any shop may sponsor shall be limited to a number not in excess of the number remaining in service in the shop In other words the total number of operators for any one shop (operators-in-shop plus operators-by-appointment) shall not be more than twice the number of booths in the shop

No beauty culture shop shall hereafter be licensed until a preliminary investigation has been conducted by the Department of Public Instruction Such inspection shall establish through a personal visit of an inspector the moral fitness and the financial responsibility of the one who contemplates becoming the owner of said shop. The inspection shall also ascertain whether the proposed shop meets the requirements of the Department as to size location and equipment

There shall be at least four inspectors of beauty culture shops who possess the following qualifications (1) A valid license as an operator in the practice of beauty culture (2) at least three years of experience in the practice of beauty culture or as an inspector or both after the obtaining of an operator's manager's or teacher's license

Section 9 [Any person who has practiced or taught beauty culture or acted as manager of a beauty shop or school of beauty culture under a certificate license or permit for not less than two years in another state territory or District of Columbia or any person who has done so in this Commonwealth for at least six months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect may secure the certificate of registration required by this act without an examination or compliance with other requirements as to age or education provided such person shall make application to the department for registration within ninety days after the effective date of this act Such application shall be accompanied by an affidavit of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases and the registration fee required by this act Any person studying beauty culture in a school of beauty culture or as an apprentice in a beauty shop in this Commonwealth at the time this act goes into effect shall receive credit for

such time and studies without complying with the requirements of this act as to age and preliminary education provided such person shall make application to the department for registration as a student or apprentice within three months after this act goes into effect] Students upon graduating from registered schools of beauty culture may apply for and receive from the department a temporary permit to practice as an operator until the next regular examination held by the department under the provisions of this act but no temporary permit shall authorize the holder to serve as manager of a beauty culture shop or as teacher in a school of beauty culture or as a teacher of apprentices in a beauty culture shop

In each examination conducted by the department after the first day of July one thousand nine hundred and thirty-seven at least one of the examiners shall possess the qualifications and hold a valid license of teacher of beauty culture and at least one other shall possess the qualifications and a valid license of manager of a beauty culture shop and no one shall serve as examiner in the practical portion of such examinations unless during the five years immediately preceding the examination the said examiner has had at least three years of practical experience as teacher manager operator or inspector or a combination thereof in a school or shop of beauty culture in this Commonwealth The minimum compensation for the services of qualified examiners shall be ten dollars ($10.00) per day plus actual and necessary expenses No one who is actively connected with or financially interested in a school of beauty culture shall serve as an examiner

When a written agreement has been ratified by the proper officials of this State and the proper officials of any other state or the District of Columbia and where the standards guarantee an equal degree of ability in theory and practice with the standards prescribed for residents of this Commonwealth any person trained within another state or in the District of Columbia may be admitted to an examination on the same conditions as applicants who have been trained in this Commonwealth

Section 11 The department shall prescribe reasonable rules for its conduct and for the qualifications registration and examination of applicants to practice or teach beauty culture and for the registration of apprentices teachers students and managers of beauty shops or schools of beauty culture and for temporary licenses to be issued at the discretion of the department and for the regulation of size location equipment personnel and liability of beauty shops and schools of beauty culture and generally for the conduct of persons copartnerships associations or corporations affected by this act Rules established by the department shall be printed and supplied to applicants and license holders

Section 2 Section twelve of the said act as amended by the first section of the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 677) is hereby further amended to read as follows

Section 12 If the department finds that the applicant has submitted the credentials required by this act for admission to examination and has paid the registration fee required by this act the department shall admit such applicant to examination and shall issue a certificate of registration to practice as operator manager or teacher as the case may be to those successfully passing the required examinations Every certificate of registration issued by the department and every renewal thereof shall have attached thereto the photograph of the person to whom the same is issued and where a certificate is issued in the name of a corporation it shall be furnished by the applicant for registration and shall be of such size as the department may require The department shall hold public examinations on the third [Tuesday] Monday in January April July and October in the Cities of Philadelphia Pittsburgh Wilkes-Barre Harrisburg and Erie at such hours as the department shall prescribe No examination shall be held at any other time or place except that in case of emergency it shall be within the discretion of the department to postpone to a latter date for all the centers designated herein any examination period The examination for teachers' and managers' licenses shall differ from the examination for operators' licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of beauty culture including ability to teach properly the various practices and theories of beauty culture

Section 3 Section thirteen of the said act as last amended by the first section of the act approved on the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 677) is hereby further amended to read as follows

Section 13 The department shall have the power to refuse revoke or suspend licenses or certificates upon due hearing on proof of violation of any provisions of this act or the rules and regulations established by the department under this act or for gross incompetency or dishonest or unethical practices or for performing beauty culture work on Sunday and shall have the power to require the attendance of witnesses and the production of such books records and papers as it may desire Before any certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the department with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose certificate of registration has been so suspended or revoked may after the expiration of ninety days on application to the department of ninety days on application to the department have the same re-issued to him or her upon satisfactory proof that the disqualification has ceased [Before the department may institute any of the above proceedings it shall send a notice in writing to the certificate holder of any alleged violation of this act or rules thereunder together with a notice that if the violation is not abated within fifteen days the proceedings above outlined will be initiated]

Section 4 Section sixteen of the said act is hereby amended to read as follows

Section 16 The registration fee for the issuance of a license with or without examination shall be as follows five dollars ($5.00) for beauty shop owners managers and teachers two dollars ($2.00) for operators and manicurists one dollar ($1.00) for students or apprentices Five dollars ($5.00) for Demonstrators or Demonstrating Teachers who obtain license by examination twenty-fve dollars ($25.00) for Demonstrators or Demonstrating Teachers who obtain license under the provisions for exemption from examination hereinafter set forth and fifty dollars ($50.00) for schools of beauty culture Annual renewal fees shall be five dollars ($5.00) for shop owners and managers [and] school instructors demonstrators and demonstrating teachers two dollars ($2.00) for operators and manicurists and twenty-five dollars ($25.00) for schools of beauty culture For each change in location of a shop there shall be a registration fee of one dollar ($1.00) and for each change in location of a school the fee shall be five dollars (5.00) The above fee for registration examination and certificate shall be paid in advance to the Department and by it paid into the State Treasury through the Department of Revenue

Section 5 Section eighteen of the said act is hereby amended to read as follows

Section 18 No one shall hereafter be permitted to practice as a demonstrator in any branch of beauty culture or in the use or application of any machine device or product for the practice of beauty culture without a demonstrator's license Those who limit their demonstrations to the aiding of individuals who are already licensed operators or to a demonstration of the proper usage of machines devices or prducts in shops or in style shows or conventions shall possess the qualifications herein set forth for operators Those who demonstrate in schools of beauty culture or at any time and place demonstrate for the purpose of affording instruction to those who are students or apprentices

in course shall be called Demonstrating Teachers and shall possess the qualifications herein set forth for teachers Provided That any demonstrator who holds an operator's license in this Commonwealth or in any state with which this Commonwealth has a reciprocal agreement as to licensure may obtain a demonstrator's license without examination by paying the special fee hereinbefore provided for or any demonstrator who in like manner holds a teacher's Certificate may obtain a Demonstrating Teacher's license without examination

Every holder of a certificate granted by the said department as provided in this act shall display it in a conspicuous place in his or her principal office place of business or employment

Failure or refusal to do so shall be sufficient cause for revocation of the said license by the department for a period of ten days at the expiration of which time the said licensee may apply for re-instatement

On the question,

Will the House agree to the section?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 5 (section 18), page 17, line 10, by inserting after the word "operators" the following words: "or managers"

Amend section 5 (section 18) page 17, line 15, by striking out the word "demonstrator" and inserting in lieu thereof the following: "person"

Amend section 5 (section 18) page 17, line 16, by inserting before the word "license" the following words: "or manager's"

Amend section 5 (section 18) page 17, line 20, by striking out the word "demonstrator" and inserting in lieu thereof the following word: "person"

Amend section 5 (section 18) page 17, line 25, by inserting after the word "it" the following words: "together with the current renewal card"

Amend section 5 (section 18) page 17, line 28, by striking out the word "revocation" and inserting in lieu thereof the word "suspension"

Amend section 5 (section 18) page 18, line 1, by inserting before the word "ten" the following words: "not more than"

Amend section 5 (section 18) page 18, lines 1 and 2 by striking out the following words: "at the expiration of which time the said licensee may apply for re-instatement" and inserting in lieu thereof the following: "Any person who shall violate any of the provisions of this act, except as herein otherwise provided, shall, upon summary conviction thereof be sentenced to pay a fine of not less than ten dollars ($10.00) nor more than ninety dollars ($90.00), or to undergo an imprisonment of not less than ten (10) days nor more than sixty (60) days, or both at the discretion of the court. Any such person shall have the right of appeal as in other cases of summary conviction. Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate on or before the first day of January in each year, and who continues the practice of beauty culture or any of its branches, shall, on conviction thereof, be subject to a fine of not more than ten dollars ($10.00), to be collected by summary conviction as like fines are collected by law, and in case of non-payment of fine, to undergo an imprisonment for a period not to exceed more than ten (10) days. Any such person shall have the right of appeal as in other cases of summary conviction."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth and seventh sections were separately read and agreed to as follows:

Section 6 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 7 Except as otherwise herein provided this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

The title was read as follows:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and demonstrators prescribing certain qualifications for examiners inspectors and supervisors making certain changes in the powers and duties of the Department of Public Instruction and in the procedures to be followed in the enforcement of the act

On the question,

Will the House agree to the title?

Mr. HIRSCH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 14, by inserting after the word "those" the word "who"

Amend title, page 2, line 3, by inserting after the word "operators" the word "manicurists"

Amend title, page 2, line 4, by striking out the word "inspectors" and inserting in lieu thereof the word "investigators."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2119, entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims charges court costs and other expenses against the Comonwealth for the erection and construction of a reservoir at the State Industrial Home for Women at Muncy Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fourteen thousand two dollars and twelve cents ($14,002.12) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the payment of any claims charges court costs and other expenses against the Commonwealth for the erection and construction of a reservoir at the State Industrial Home for Women at Muncy Pennsylvania Payments from the said appropriation shall be made on requisition of the Secretary of Welfare with the approval of the Department of Justice

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1563, as follows:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henerietta E Garrett deceased

Whereas Henerietta E Garrett died on November sixteen on thousand nine hundred thirty without ostensible heirs or next of kin and intestate as to the bulk of her estate which is estimated to exceed sixteen million dollars ($16.000,000) in value and

Whereas The Commonwealth's interests in the said estate if unclaimed for want of valid claimants require protection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50.000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Revenue for the remainder of the two fiscal years ending May thirty-first one thousand nine hundred thirty-seven and for the two fiscal years beginning June first one thousand nine hundred thirty-seven for the payment of the salaries wages or other compensation of such special deputy attorneys general special attorneys appointed by the Attorney General experts scientists examiners statisticians clerks stenographers and other assistant and employes and for costs witness fees postage express charges telegraph and telephone charges and all other expenses whatsover as may be necessary for the proper conduct of investigation and litigation in the Estate of Henerietta E Garret deceased

Section 2 This act shall become effective immediately upon it final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1976, as follows:

An Act requiring registration of all aircraft and airmen using the civil airways and air navigation facilities within the Commonwealth porviding for the application and requirements for registration and the issue of certificates naming the Secretary of Revenue as agent for the service of process authorizing the adoption of regulations by and imposing duties upon the Department of Revenue and providing for fees exemptions penalties and jurisdiction of the courts over violators

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Definitions The following words and phrases when used in this act shall for the purposes of this act have the meanings respectively ascribed to them in this section

"Aircraft" means any contrivance now known or hereafter invented used or designed for navigation of or flight in the air except a parachute or other contrivance designed for such navigation but used primarily as safety equipment

"Airman" means any individual (including the person in command) and any pilot mechanic or members of the crew who engages in the operation of aircraft while under way including student pilots private pilots limited commercial pilots and transport pilots and any individual in charge of the inspecting overhauling or repairing of aircraft including engineer mechanics and airplane mechanics or parachute riggers and repairmen and any other airmen as may hereinafter be added by the Department of Commerce of the United States to the group of airmen licensed by the United States Government

"Air Navigation Facilities" shall include airports landing fields and water surface for landing aircraft and all aids to air navigation including but not confined to lights marks structures and electrical communicating systems

"Civil Airway" means a route in the navigable air space over or above the territory or waters of the State of Pennsylvania designated by the Department of Revenue as a route for intrastate or interstate air commerce

"Department" means the Department of Revenue of this Commonwealth acting by and through the Division of Aeronautics

"Secretary" means the Secretary of Revenue of this Commonwealth acting in person or by and through the Chief of the Division of Aeronautics or such other employes of the department as may be duly authorized to act in his place and stead

Section 2 Annual Registration of Aircraft Required From and after the effective date of this act all aircraft shall be required to be registered each year with the department and except as is hereinafter provided no such aircraft shall be operated upon any civil airways or from any air navigation facilities in this Commonwealth until such aircraft shall have been properly so registered and registration certificate has been issued to the owner or owners thereof and porperly attached to such aircraft

Section 3 Application for Aircraft Registration The application for registration of aircraft shall be made to the department upon a form furnished by it The application shall contain such information as the department shall by regulation require including the full name and the actual or bona fide address of the owner or owners together with the name the engine number the horsepower the seating capacity of the aircraft and the type or classification thereof The application shall be signed by the owner if a natural person and in cases where the owner is a corporation co-partnership or association by an executive officer thereof or by some person specifically authorized by such corporation co-partnership or association to sign the same The application shall be accompanied by the fee provided in this act

Section 4 Annual Registration of Airman Required From and after the effective date of this act all airmen shall be required to be registered each year with the department and except as is hereinafter provided no person shall as an airman operate navigate or repair any aircraft upon any civil airway or from or in any air navigation facilities within this Commonwealth until such airman shall have been properly registred and registration certificate issued in accordance with the provisions of this act

Section 5 Application for Airman Registration The application for registration of airman shall be made to the department upon a form furnished by it The application shall contain such information as may be required by regulation of the department The application shall be accompanied by the fee provided in this act

Section 6 Secretary Named Agent for Service of Process The application for registration of airman or aircraft shall contain a clause appointing and designating the Sec-

retary of Revenue ex-officio as the duly authorized agent of the applicant upon whom written legal process may be served

Section 7 Renewals of Registration Annual renewals of the registration of aircraft or airmen shall be made in such manner as the department may by regulation provide upon a form furnished by the department and accompanied by the fee provided in this act Such forms may be mailed to the last address of the owner or the airman as it appears on the official registration records of the department

Section 8 Issue of Registration Certificates Regulations After application for registration has been made and the department is satisfied that the applicant is entitled to be registered as an airman or to have the aircraft registered pursuant to the application filed the department shall issue to the airman or the owner as the case may be a registration card which shall contain the registration number assigned to the airman or the aircraft the name and address of the airman or the owner and also a description of the aircraft The registration certificate shall state that the registration will expire on the last day of May of the year following the year during which the certificate was issued The replacement of lost registration cards the manner of attaching cards to aircraft and such other details with reference to registration cards shall be governed by regulations of the department

Section 9 Fees for Registration Payment into Motor License Fund (a) The fee for the annual registration of aircraft and each renewal thereof shall be five cents ($0.05) for each horsepower or fractional part thereof and shall be payable annually on or before the first day of June of each year

(b) The fee for the annual registration of airman and each renewal thereof shall be two dollars ($2.00) and shall be payable on or before the first day of June of each year

(c) The registration fees received in accordance with the provisions of this act shall be transmitted by the department to the State Treasurer and credited to the "Motor License Fund"

Section 10 Method of Computing Horsepower The horsepower of aircraft shall be computed by the following formula Diameter of bore in inches squared times the number of cylinders times four-tenths Provided however That the department may in its discretion adopt the horsepower certified by the manufacturer of the aircraft

Section 11 Exemptions The provisions of this act shall not apply to aircraft owned and operated by the United States Government or by any state or territory thereof nor to aircraft carrying passengers or property for hire in interstate commerce on regularly scheduled flights nor to the airmen operating such aircraft Any airman residing in another state of the United States or any aircraft owned by a person domiciled in such other state shall not be required to register and pay the fees provided in this act for the use of the civil airways and air navigation facilities within this Commonwealth if the state in which such airman or owner of aircraft is domiciled similarly requires fees for the registration of airmen and owners of aircraft in addition to the fees for licenses and registration required by the Unitd States Government and if airmen and owners of aircraft residing in Pennsylvania are exempt from such additional registration fees imposed by such other state

Section 12 Revocation of Registration The department may revoke the registration of any aircraft or airman issued pursuant to the provisions of this act when the secretary finds after hearing that the registered airman or owner of aircraft has violated or has knowingly assisted in the violation of any of the provisions of the laws of this Commonwealth relating to aeronautics The penalties provided in this act shall apply to any airman operating aircraft within this Commonwealth after his registration has been revoked and to the owner of any aircraft who permits the operation of such aircraft either by an airman whose registration has been revoked or after the registration of such aircraft has been revoked

Section 13 Registration in Addition to Federal Licenses The registration required of airmen and aircraft by the provisions of this act shall not be construed to be in lieu of or in substitution for licenses for airmen and licenses and registration for aircraft now issued by the United States Government under existing laws but on the contrary the registration required by this act shall be in addition to all other requirements now or hereafter imposed by the laws of this Commonwealth or by the Acts of Congress of the United States

Section 14 General Power to Make Regulations The department may from time to time make such regulations not inconsistent with this act as may be necessary for the administration of this act and such regulations as are required by this act The department may cause such regulations to be published and disseminated throughout the Commonwealth in such manner as it may deem necessary and advisable Such regulations adopted by the department shall have the same force as if they formed a part of this act

Section 15 Penalties (a) Any person copartnership or corporation owning any aircraft operated within the Commonwealth of Pennsylvania in violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two hundred dollars ($200.00) or undergo imprisonment not exceeding thirty days or both The provisions of this subsection as applied to "copartnerships" shall also include the partners or members thereof and as applied to "corporations" shall also include the officers thereof

(b) Any airman violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of fifty dollars ($50.00) or undergo imprisonment not exceeding ten days or both

(c) For the purposes of criminal prosecution under this act the courts of the county wherein the violator is apprehended and the courts of the county wherein he resides shall have jurisdiction

Section 16 Interpretation of Act (a) The registration of airmen and aircraft required by this act shall be construed liberally as an exercise of the police power of the Commonwealth for the protection of the public welfare health and safety and for the prevention and detection of crime and the apprehension of criminals

(b) The fees imposed by this act shall not be deemed a property tax on aircraft or a tax on airmen but shall be construed as a payment for the privilege of using the civil airways and air navigation facilities maintained by the Commonwealth and the revenue raised through such fees without being specifically appropriated identified or segregated therefor shall be deemed to assist in defraying the expense of administration of this act and the maintenance of the said civil airways and air navigation facilities

(c) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 17 The provisions of this act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1566, as follows:

An Act making an appropriation to the Department of Welfare for the purchase of materials to be used in making articles required at the State institutions in connection with sewing projects established in Pennsylvania by the Federal Works Progress Administration

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seventy-five thousand dollars ($75,000.00) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Department of Welfare for the purchase of materials to be used in making sheets pillow cases gowns robes towels and like articles required for use in the State owned and operated institutions Such articles shall be made through the medium of projects established in Pennsylvania by the Federal Works Progress Administration The appropriation made by this act shall be used exclusively for the purchase of such materials the labor and other costs in connection with the making of articles from such materials to be defrayed out of funds of the Federal Works Progress Administration

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1147, as follows:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or as much thereof as may be necessary is hereby specifically appropriated to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries together with such other moneys as may be received by the State from the Federal Government in accordance with the Act of Congress of March fourth one thousand nine hundred and eleven for the maintenance of a nautical school located at the Port of Philadelphia and the State Treasurer is hereby authorized to pay the same to the commissioners in equal quarterly payments during the two fiscal years commencing on the first day of June one thousand nine hundred and thirty-seven said payments to be made upon the warrant of the Auditor General drawn upon the State Treasurer upon requisition of the commissioners approved by the Superintendent of Public Instruction

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2264, as follows:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of

or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred thirty-seven to be by it paid to the homes hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such homes in the manner prescribed by law

Aged Colored Women's Home Williamsport ..... $

Section 2 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Department of Welfare hereunder shall be paid to any home therein named if such home is a denominational or sectarian institution corporation or association

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2136, as follows:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring medical inspection to make eye and ear tests annually providing for the use of scientific apparatus furnished by the school districts and providing for certain instruction in State teachers' colleges for the appointment of certain experts in the Department of Public Instruction and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act aproved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto a new section to read as follows

Section 13.1 Medical inspectors of the several school districts shall make eye and ear tests of the pupils in such schools at least once in each school year Such tests for hearing shall be made with audiometers or with such other scientific devices as may meet the approval of the Department of Public Instruction which shall be provided by the Commonwealth for use in the various school districts The Department of Public Instruction shall prescribe to the boards of school directors and medical inspectors of schools suitable rules of instructions as to the tests and examinations to be made as provided in this section together with test cards and blanks deemed necessary for carrying out the purposes of this section The Department of Public Instruction shall provide in the State teachers' colleges instruction and practice in the best method of testing the sight and hearing of children and shall pre-

scribe the scientific appliances which shall be used by State teachers' colleges to provide such instruction

The Superintendent of Public Instruction shall appoint a specialist for eyes and ears in his department who shall assist medical inspectors in the several school districts in making eye and ear tests of pupils of the public schools He shall also assist in providing instruction and practice in the State teachers' colleges in the best methods of testing the sight and hearing of children and shall perform such other duties as the Superintendent of Public Instruction shall prescribe The Superintendent of Public Instruction shall also appoint a competent person to supervise audiometric tests Such person shall be one certified to teach in the public schools shall be thoroughly familiar with the use and purpose of audiometers and shall have some experience in medical social service Such person shall supervise the use of audiometers and other scientific appliances used in hearing tests and perform such other duties as may be assigned by the specialist for eyes and ears

Section 2 The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the purchase of audiometers and other scientific devices for the delivery of the same to appropriate places in this Commonwealth for use in school districts for the payment of the compensation and expenses of the specialist and person appointed to assist medical inspectors and to supervise tests and for all other necessary and proper expenses incurred in carrying out the provisions of this act

Section 3 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2261, entitled:

An Act empowering cities of the third class to liquidate certain indebtedness of volunteer fire companies incurred for the purchase of fire engines or fire apparatus

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever in any city of the third class any volunteer fire company shall heretofore have purchased any fire engine or fire apparatus and shall have incurred indebtedness for such purpose and is employing such fire engine or apparatus for fire protection purposes for the benefit of the city and the inhabitants thereof then in such cases the city shall have power to appropriate and pay money out of the treasury of the city for the purpose of liquidating the indebtedness of the fire company so incurred or any part thereof in such manner as the council of the city may determine Provided however That no such city shall agree to pay such indebtedness so incurred or any part thereof unless the fire company shall first have agreed to transfer to the city title to such fire engine or fire apparatus upon the liquidation of said indebtedness

On the question,

Will the House agree to the section?

Mr. WEIDEMANN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 1, line 4, by inserting after the word "class" the following: "or township of the first class"

Amend section 1, page 1, line 9, by inserting after the word "city" the following: 'or township"

Amend section 1, page 1, line 10, by inserting after the word "city" the following: "or township"

Amend section 1, page 1, line 11, by inserting after the word "city" the following: "or township"

Amend section 1, page 2, line 1, by inserting after the word "city" the following: "or the commissioners of the township"

Amend section 1, page 2, line 2, by inserting after the word "city" the following: "or township"

Amend section 1, page 2, line 4, by inserting after the word "city" the following: "or township"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act empowering cities of the third class to liquidate certain indebtedness of volunteer fire companies incurred for the purchase of fire engines or fire apparatus

On the question,

Will the House agree to the title?

Mr. WEIDEMANN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "class" the following: "and townships of the first class"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1633, as follows:

An Act relating to the recovery of taxes against a registered owner by mortgagees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any action hereafter brought by the holder of a mortgage against a registered owner (other than the mortgagor) or mortgaged property for taxes paid by said mortgage holder said mortgage holder if he shall have previously taken possession of the mortgaged premises and collected rent therefrom shall credit such registered owner with the amount of net rents received in any year against his tax liability of that year

Section 2 In any case where a mortgage holder has acquired title to the mortgaged premises by foreclosure after the first day of the tax year said mortgage holder shall not have the right to recover from the registered

owner unpaid taxes in a sum greater than the proportionate amount of taxes accrued to the date of the sheriff sale

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1636, as follows:

An Act to amend section six hundred one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registraton of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft and extending certain penalties to owners of aircraft

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" is hereby amended to read as follows

Section 601 Violation Provisions It shall be unlawful for any person to commit any of the following acts

(a) To operate or navigate aircraft while under the influence of intoxicating liquor or narcotic drug or habit producing drug or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate or navigate any aircraft owned by him or in his custody or control or to carry in any aircraft any passenger who is visibly under the influence of intoxicating liquor narcotic drug or other habit producing drug

(b) To operate or navigate aircraft while in possession of any Federal license or to display or cause or permit to be displayed such license knowing the same to have been cancelled revoked suspended or altered

(c) To lend to or knowingly to permit the use of by one not entitled thereto any Federal airman's and aircraft license issued to the person so lending or permitting the use thereof

(d) To display or to represent as one's own any Federal airman's or aircraft license not issued to the person so displaying the same

(e) Tampering with or making use of or navigating any aircraft without the knowledge or consent of the owner or custodian thereof

(f) To use a false or fictitious name or to give a false or fictitious address in any application or form required under the provisions of this act or the rules and regulations of the department adopted pursuant to this act or knowingly make any false statement or report or knowingly conceal a material fact or otherwise commit a fraud in any application

(g) To operate or navigate any aircraft within this Commonwealth unless such aircraft has been licensed and registered in accordance with the provisions of this act and unless the operator thereof has been licensed in accordance with the provisions of this act Provided further That the owner of aircraft operated in violation of any of the provisions of this act shall also be subject to the penalties provided in this section

Penalty Any person violating any of the provisions of subsections (b) (c) (d) [or] (f) or (g) of this section shall upon summary conviction before a burgess alderman magistrate or justice of the peace be sentenced to pay a fine of not less than fifty ($50.00) dollars nor more than two hundred ($200.00) dollars and the cost of prosecution or undergo imprisonment for not more than thirty (30) days or suffer both such fine and imprisonment

Any person violating any of the provisions of subsections (a) or (e) of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a Court of Quarter Sessions be sentenced to pay a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars and the costs of prosecution or undergo imprisonment for not more than one (1) year or suffer both such fines and imprisonment

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. SHEPARD. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 756, as follows:

An Act to amend section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P L 89) entitled "An act granting authority to the Courts of Common Pleas in the several counties of this Commonwealth to issue writs of estrepement to stay waste upon lands sold for taxes during the time provided for redemption" by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs sales under tax or municipal claims

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P L 89) entitled "An act granting authority to the Courts of Common Pleas in the several counties of this Commonwealth to issue writs of estrepement to stay waste upon lands sold for taxes during the time

provided for redemption" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter when any seated or unseated lands shall have been sold for arrearages of taxes by the county treasurer of any county in this Commonwealth or whenever any seated or unseated lands shall have been sold at sheriff's sale under a tax or municipal claim as is now or may be provided by law it shall be lawful for the purchaser or purchasers of said unseated land shall have been sold for arrearages of shall have been sold at sheriff's sale under a tax or [unseated] lands to apply to any Court of Common Pleas of the county in which said [unseated] lands are situated during the session of the said courts or to any judge of such courts in vacation and on presentation of a petition and affidavit made by him her or them or some other [creditable] interested person setting forth that the owner or owners or some other person or persons acting under the owner or owners thereof have committed waste to the said lands and that such [purchaser or purchasers or some other person for him her or them] petitioner verily apprehends in consequence of such threat that such waste will be committed unless the same be restrained by law it shall be lawful and the duty of such courts or judge in its or his discretion to order the prothonotary of said court to issue a writ of estrepement to stay waste upon such lands which said writ shall have the same effect to all intents and purposes and shall be governed by the same rules of law as writs of estrepement in other cases [now have] Provided That any such writ may be dissolved at any time during the period established by law for the redemption of such lands by the owner or owners thereof upon the payment to the [county treasurer of the proper county] proper party the full redemption money and the payment to the prothonotary of said court of all costs of such writ of estrepement Provided further That upon the dissolution of such writ of estrepement by redemption of the land the [pro rata] amount [of the twenty-five per centum] allowed by law to the purchaser or purchasers which [would have] has accrued at the time such redemption be made shall only be required to be paid

The term "waste" as used in this act shall be construed to mean and include the spoil or destruction done or permitted to lands houses gardens trees or other corporeal hereditaments including the quarrying and mining of coal or other minerals whether in new or existing quarries or mines and all such other acts as will do lasting injury to the premises

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1983, as follows:

An Act making an appropriation to the Department of Health to carry on the work of sealing abandoned coal mine openings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to provide for the improvement of the purity of the waters of the Commonwealth and for the further protection of the public health the sum of fifty-five thousand dollars ($55,000) is hereby specifically appropriated to the Department of Health for the purchase of tools equipment and materials and for the transportation of men and materials deemd necessary by the department in carrying on in conjunction with the Federal Works Progress Administration the work of shooting down and otherwise sealing abandoned coal mine openings in this Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1434, as follows:

An Act making a deficiency appropriation to the Department of Agriculture for reimbursing certain incorporated agricultural associations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred five dollars and fifty-six cents ($305.56) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Agriculture as a deficiency for the purpose of reimbursing any incorporated agricultural association for premiums paid for exhibits of livestock livestock products horticultural products handiwork cereals bees and bee products as provided by law where payment has not been made for the year one thousand nine hundrd and thirty-six by reason of the fact that the report of the Agricultural Association while forwarded in time did not arrive in the Department of Agriculture within the time prescribed by law due to mismailing

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 362, as follows:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania for the support and promotion of medical education for the two fiscal years beginning June first one thousand nine hundred and thirty-seven payment to be made according to law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2117, Printer's No. 889, was passed over at the request of Mr. TURNER.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2263, as follows:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal yars beginning June first one thousand nine hundred thirty-seven to be by it paid to the hospitals hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such hospitals in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals who are entitled to free service and for each day of part pay service such proportion of the three dollars ($3) per diem rate as the part of the regular charge which the person treated is not able to pay bears to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Abington Memorial Hospital .....$

Section 2 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Department of Welfare thereunder shall be made to any hospital therein named if such hospital is a denominational or sectarian institution corporation or association

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 611, as follows:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby specifically appropriated to the National Farm School at Doylestown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2205, (Senate Bill No. 894), entitled:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes

And said bill having been read at length the second and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2120, (Senate Bill No. 99), entitled:

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred forty-three) entitled as amended "An act relating to the sale of goods and choses in action" by providing for the negotiation of documents of title

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1577, (Senate Bill No. 421), entitled:

An Act to validate indebtedness incurred by cities of the third class for the extension enlargement and improvement of the water-works of such city

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2038, as follows:

An Act to further amend the second paragraph of section one of article one of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" by providing that the mayor shall receive no compensation other than his salary for acting as justice of the peace

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the second paragraph of section one of article one of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended by section one of the act approved the first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 112) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the mayor shall be the chief executive officer of the city and shall be at least twenty-five years of age and have been a citizen and inhabitant of the State five years and an inhabitant of the city for which he may be elected mayor five years next before his election unless absent on the public business of the United States or of this State and shall reside in said city during his term of service The mayor whether ap-

pointed or elected shall have all the powers and jurisdiction of justices of the peace under existing laws of this Commonwealth but in acting as such shall not receive any fee or compensation over and above his salary as mayor He shall give bond in such sum as shall be determined by council

Section 2 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1163, as follows:

An Act to amend section two thousand five hundred and fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended providing for the sharing by the city county and school district of the one-third each of the cost of purchase maintenance and repair of supplies and equipment needed by the tax collector

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand five hundred and fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 363) is hereby further amended to read as follows

Section 2556 Treasurer as Tax Collector of City County School and Poor Taxes Compensation Assistants Expense to Be Shared The compensation or commission of the said treasurer as collector of city county school and poor taxes shall during the terms of the tax collectors in office at the time this act takes effect be and remain as now provided by law Thereafter the said tax collector shall be paid an annual salary for the collection of all city county school and poor taxes which salary shall be fixed before the election of any tax collector jointly by the city council the county commissioners and the board of school directors within the limits hereinafter prescribed In fixing the salary of the tax collector the city the school district and the county shall each have one vote

In cities having a population of twenty-five thousand inhabitants and less the annual salary of the tax collector shall not be less than one thousand six hundred dollars ($1,600) nor more than three thousand five hundred dollars ($3,500)

In cities having a population of more than twenty-five thousand inhabitants and not exceeding fifty thousand the annual salary of the tax collector shall not be less than three thousand five hundred dollars ($3,500) nor more than five thousand dollars ($5,000)

In cities having a population of more than fifty thousand inhabitants and not exceeding fifty-five thousand inhabitants the annual salary of the tax collector shall be six thousand dollars ($6,000)

In cities having a population of more than fifty-five thousand inhabitants the annual salary of the tax collector shall not exceed seven thousand five hundred dollars ($7,500)

The tax collector shall appoint all necessary deputies clerks and assistants whose number and salaries shall be fixed jointly by the city council the board of school directors and the county commissioners in the same manner as in the case of the tax collector

The city shall provide and furnish for the tax collector at his office as city treasurer suitable office space light heat furniture and janitor services

The city county and the school district shall [in equal proportions pay] pay one-third each of (1) the cost of books stationery supplies printing notices postage telephone service and incidental expenses necessarily incurred in the conduct of the tax collector's office [and] (2) the cost of purchasing maintaining and keeping in repair all furniture fixtures typewriters adding machines bookkeeping machines and all office equipment of whatever kind and nature whether or not consumed in the using and (3) the salaries of the tax collector and his deputies clerks and assistants Said salaries shall be paid monthly or semi-monthly in the same manner as other officers of said city county and school district

The city county and the school district shall be required to pay each one-third of the premium on the bond required to be given by law by the tax collector to the Commonwealth The city treasurer upon the expiration of his term of office shall surrender the unsatisfied tax duplicates in his possession to his successor in office who shall collect the unpaid taxes charged therein and settle the duplicate or duplicates as provided by law Before such duplicates are surrendered to a successor the tax accounts of the outgoing treasurer shall be adjusted and balance to the satisfaction of the incoming treasurer and the respective taxing authorities before any release of the bond of the outgoing treasurer shall be given

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1832, as follows:

An Act to amend section three of the act approved the eighteenth day of April one thousand nine hundred and nineteen (Pamphlet Laws 70) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn" by providing for the admission of evidence of the protest of non-payment of checks drafts and orders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the eighteenth day of April one thousand nine hundred and nineteen (Pamphlet Laws 70) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn" is hereby amended to read as follows

Section 3 In any prosecution under this act the making or drawing or uttering or delivering of a check draft or order payment of which is refused by the drawee because of lack of funds or credits shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank banking institution trust company or other depository unless such maker or drawer shall have paid the drawee thereof the amount due thereon together with interest and protest fees within ten days after receiving notice that such check draft or order has not been paid to the drawee and in any such prosecution the notice of protest of non-payment of such check draft or order shall be admissible as proof and shall be prima facie evidence of lack of funds or credit with such bank banking institution trust company or other depository

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1858, as follows:

An Act to amend section two thousand five hundred fifty-three as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P L 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class and regulating the premiums thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand five hundred fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P L 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (P L 719) is hereby further amended to read as follows

Section 2553 Bond of Treasurer as Tax Collector The treasurer as collector of taxes before entering upon his duties shall give bond to the city as provided in article fourteen of this act and he shall give fidelity bonds to the other respective authorities levying taxes which he is authorized to collect in an amount to be by them severally fixed with corporate or at least two sufficient sureties to be by them approved conditioned that the said treasurer as collector of taxes shall account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The city treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) certified to the respective authorities levying the taxes for entry as liens in the office of the prothonotary or (3) returned to the county treasurer or city treasurer for sale or (4) in the case of occupation poll and per capita taxes a record of those which remain uncollected is filed with the tax authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes

Provided That where the city treasurer is tax collector for school districts of the second class the school board of such districts may by unanimous vote accept a fidelity bond in lieu of the bond herein provided Such fidelity bond shall bind the treasurer as tax collector and his surety to account faithfully for all tax moneys due the school district received by him and to pay the same over to the proper authority of the school district Such accounting for and payment over shall constitute full performance under such bond and upon such full performance there shall be no further liability on such bond Whenever such bond is a corporate bond the premium thereon shall be computed upon the amount of penalty fixed in the bond and it shall be unlawful to compute the amount of the premium on any greater amount than the amount of the penalty of the bond

Should the city or any of the said authorities levying any tax be of opinion at any time that the bond given the said treasurer as collector to give additional security to be approved in manner as aforesaid The said collector shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2241, (Senate Bill No. 1021), entitled:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems; and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2248, (Senate Bill No. 945), entitled:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate or copy thereof to the City Council the Mayor and the City Controller making it the duty of the Council to appropriate and provide the sum so estimated to be required and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2249, (Senate Bill No. 946), entitled:

An Act to amend section two of an act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws seventeen hundred and seventy-three) entitled "An act to supplement an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for illegal increase thereof' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation and providing for the disposition of the funds realized from such sale" by eliminating the requirements that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein shall be deposited in the funds of such corporations for the redemption of bonds of said corporation when the said bonds issued for the acquisition of such property or bonds refunding such original issue shall have been redeemed and paid

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2240, (Senate Bill No. 1005), entitled:

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June on thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three).

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1005, as follows:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring or refunding of indebtedness the issuing of bonds by school districts and the retiring of indebtedness making payroll obligations preferential claims against the district providing for penalties for failure to comply with any part of the act and repealing provisions of State laws inconsistent with this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section four of the act approved the first day of June one thousand nine hundred and thirty-three (P L 1152) is hereby further amended to read as follows

Section 506 The board of school directors in any school district in this Commonwealth in any year in order to purchase or acquire proper sites or grounds for school buildings or any lands additional to any present school sites or grounds or to erect enlarge equip or furnish any school building or to repair remodel or rebuild any new or old building [or in order to pay or refund any existing indebtedness] of any school district or to pay any indebtedness incurred by any municipality for or on account of any school district or for school purposes as herein required to be assumed by any school district hereby established or to pay any refund of taxes decreed by an order of court [or to refund as herein authorized to any municipality the amount of any such indebtedness issued under the provisions of section five hundred and eight of this act] or to refund certain bonds as hereinafter provided or to any temporary indebtedness which was incurred for the foregoing purposes may create and incur an indebtedness against such school district and issue bonds payable as hereinafter provided to secure the same [for any and all such purposes or may create and incur an increase of any existing indebtedness against any such school district for any and all purposes to any amount that the total indebtedness of such school district including the indebtedness of any school or ward school district therein if any shall never exceed seven per centum upon the assessed value of the taxable property for school purposes therein]

In school districts of the first class the indebtedness of any such district including the bonded indebtedness together with the total net temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein

In school districts of the second third and fourth class the indebtedness of any such school district including the total net bonded indebtedness together with the temporary indebtedness shall never exceed seven (7) per centum of the last assessed valuation of the taxable property for school purposes therein

In determining the indebtedness of a school district the following deductions from the total amount of all indebtedness are permitted Cash in the sinking funds inviolably pledged for the payment of existing indebtedness and any bonds of the school district purchased and held in such sinking fund such outstanding property taxes for school purposes as are certainly and promptly collectible as quick assets and applicable to payment of said indebtedness and any other revenue that may be applicable within a year to the payment of the indebtedness

Section 2 Section five hundred and seven of the said act is hereby amended to read as follows

Section 507 All bonds hereafter issued by any school district in this Commonwealth [after the approval of this act] shall be made payable and become due at stated periods [not exceeding thirty years after date thereof] as hereinafter provided and the school district issuing the same shall in its annual tax levy provide in such manner and at such times as it may determine for the payment thereof [within thirty years] at or before maturity with interest Provided That any school district hereafter issuing any bonds may provide therein for its rights to anticipate the payment thereof at such stated times as it may deem proper

All bonds issued for the purposes provided for in this act shall be made payable not exceeding twenty-five years after date of Provided That all bonds issued to pay outstanding bonds which have been called for payment before date of maturity shall be made payable not later than the date of maturity of the original bonds and Provided That all bonds issued to refund bonds at the date of their maturity shall be made payable not later than ten years after the date of issuance of such refunding bonds Provided further however that bonds may be issued to fund temporary indebtedness incurred for current expenses and debt service prior to the first day of July one thousand nine hundred and thirty-seven and such bonds shall be payable as hereinafter provided not exceeding twenty years from the date of said bonds

All bonds hereafter issued by any school district shall be serial bonds The retirement of the principal shall commence not later than three years after date of said bonds and thereafter annual installments of principal shall be paid in as nearly equal amounts as the bond issue will permit Provided that if the amount of bonds of any bond issue existing prior to the first day of July one thousand nine hundred thirty-seven maturing in any single year is in excess of five per cent of the total amount of such bond issue the amount in excess of five per cent of such bond issue may be refunded by the board of school directors of any school district without the assent of the electors The retirement of the principal of such refunding bonds shall commence not later than one year after date of said bonds and annual installments of principal shall be

paid in as nearly equal amounts as the bond issue will permit as hereinbefore provided

The assent of the electors shall be required in all school districts of the second third and fourth class in this Commonwealth to issue bonds which will incur any new debt or increase the indebtedness including the bonded indebtedness together with the temporary indebtedness to an amount in excess of two per centum of the assessed value of the taxable property for school purposes therein Provided That the indebtedness of any such school district shall never exceed seven (7) per centum of the last assessed valuation of taxable property for school purposes therein Provided further That the board of school directors of any first second third or fourth class school district shall have authority without the assent of the electors to issue bonds to incur upon its own authority any amount of such indebtedness not in excess of two (2) per centum of the last assessed valuation of taxable property for school purposes therein Provided further That the board of school directors in any school district may issue all refunding bonds as herein provided upon its own authority without submitting any such refunding bond issue to a vote of the electors

Any school district which calls bonds for payment prior to the date of maturity as hereinbefore provided may issue bonds for the purpose of paying any or all such bonds as may be called for payment All bonds issued for the purpose of refunding bonds shall be issued according to the provisions hereinbefore provided for the issuing of such bonds

It shall be the duty of the State Superintendent of Public Instruction to require as part of the annual financial reports of all the school districts a list of the amount of bonds or other indebtedness that becomes due during the fiscal year together with the amount paid on each item of indebtedness In case of failure on the part of any school district to furnish such report at the required time after the close of the fiscal year the State Superintendent of Public Instruction may withhold any State appropriation that may become due to any such school district until such report covering information regarding the maturities of indebtedness and payments on same during the preceding fiscal year as required herein and any other information which he may require of a school district has been received In all cases where an audit under the direction of the State Superintendent of Public Instruction reveals that the board of directors of any school district has in any year failed to pay or to provide for the payment any indebtedness at date of maturity in accordance with the schedule under which the bonds were issued the State Superintendent of Public Instruction shall notify such board of school directors of its obligation and may withhold all State appropriations that may become due to such school district until such time as he is officially advised that all obligations of such school district with reference to any bonds or other evidences of indebtedness past due have been met and paid in full or arrangements to pay same have been made in a satisfactory manner and approved by him

Section 3 Section five hundred and eighteen of the said act is hereby amended to read as follows

Section 518 Any school district in this Commonwealth [established by this act which assumed and] which is [hereby] required to pay any school indebtedness existing at the time of the approval of this act may establish a sinking fund for the purpose of liquidating the same

Any school district in this Commonwealth which hereafter incurs any bonded indebtedness shall at or before the time of so doing levy and provide for the collection of an annual tax sufficient for the payment thereof together with interest as per the schedule of maturities in the bond proceedings as provided in this act and shall establish a sinking fund for the purpose of payment of such bonds

Section 4 Section one thousand two hundred ten of the said act as last amended by the act approved the twelfth day of July one thousand nine hundred thirty-five (P L 993) is hereby further amended by the addition of a new paragraph to read as follows

Section 1210

27 The payroll obligations of each school district in this Commonwealth shall be preferential claims It shall be the duty of the board of school directors of each district to provide for the payment of any other current expense except for fuel water electric service or such supplies as are actually essential for keeping the schools in session In order to meet payroll requirements the board shall if necessary negotiate such short term loans as are necessary and possible in accordance with the law governing the borrowing powers of the district

Section 5 All other provisions of the laws of the State of Pennsylvania or parts thereof inconsistent herewith are hereby repealed Provided That the repeal of said provisions or parts thereof shall in no way affect the legality of the issue of any bonds or other evidences of indebtedness issued under laws previously in force Provided That the provisions of this act shall not be construed to be inconsistent with or as repealing in whole or in part any provisions of the act approved the eighteenth day of May one thousand nine hundred and thirty-three (P L 813)

Section 6 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 7 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CHERVENAK. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study and amendment.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1129

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1129, Printer's No. 514, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. SHOEMAKER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. YANOSHAT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lehigh, Mr. Shoemaker, vote on the final passage of this bill?

Mr. SHOEMAKER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lacka-

wanna Mr. Yanoshat vote on the final passage of this bill?

Mr. YANOSHAT. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SHOEMAKER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. SHOEMAKER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 2, page 3, line 3 by striking out at the end of the line the following: "[and with]"

Amend section 2, page 3, line 4 by striking out at the beginning of the line the word: "[and]" and inserting in lieu thereof the word: "or"

Amend section 2, page 3, line 4 by striking out after the word "the" and before the word "time" the word: "[same]"

Amend section 6, page 4, line 20 by striking out after the word "determine" and before the word "the" the following: "[based on]" and inserting in lieu thereof the following: "not exceeding"

Amend section 6, page 4, line 20 by inserting after the word "the" and before the word "amount" the word: "maximum"

Amend section 6, page 4, line 21 by striking out after the word "in" and before the word "by" the following: "[the future]" and inserting in lieu thereof the following: "any month"

Amend section 6, page 4, line 25 by inserting after the word "be" and before "con-" the following: "upon a form prescribed or approved by the department and shall be"

Amend section 6, page 5, line 10 by inserting at the end of the line the following "And provided further That if the bond or collateral thus posted shall be insufficient to pay in full the valid claims of producers the department may direct that the proceeds of such bond or collateral shall be divided pro rata among such producers"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF VOTE

Mr. SHEPARD. Mr. Speaker, I move that the vote by which House Bill No. 1636, Printer's No. 890, on page 11, of today's calendar, was postponed, be reconsidered.

Mr. BROWN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Shepard vote on the motion to postpone?

Mr. SHEPARD. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Brown, vote on the motion to postpone?

Mr. BROWN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

BILL RECOMMITTED

Mr. WESTRICK. Mr. Speaker, I move that House Bill No. 2225, Senate Bill No. 787, Printer's No. 310, entitled:

An Act to amend paragraph (a) of section eight of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," by requiring additional tests of milk so as to further protect the public against milk-borne diseases.

on page 7 of today's calendar, bills on second reading, be recommitted to the Committee on Agriculture for further study and amendment.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. O'NEILL, from the Committee on Boroughs, reported as committed, House Bill No. 236, entitled:

An Act providing for the creation of public "Authorities" in boroughs, authorizing such "Authorities" to enter into agreements with the Government of the United States or agency thereof, the Commonwealth of Pennsylvania, and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorities" with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith and for other purposes.

Mr. JOHN J. BAKER, from the Committee on State Boards, reported as committed, House Bill No. 1869, entitled:

An Act to further amend sections eight, ten, and clause (a) of section fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons, and providing penalties," by providing additional grounds for refusing, suspending or revoking licenses; authorizing the State Board of Undertakers to impose penalties, and extending its power to make rules and regulations; and giving associations of funeral directors the right of appeal in certain cases.

Mr. WAGNER, from the Committee on State Boards, reported as committed, House Bill No. 1255, entitled:

An Act to provide for the issuance and acceptance of certificates from duly licensed optometrists whenever such certificates may now or hereafter be required as to ocular and visual efficiency by any law of the Commonwealth, and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith.

RESOLUTION INTRODUCED AND REFERRED

By Mr. OSTROFF, (Concurrent) RESOLUTION No. 84.

In the House of Representatives, May 17, 1937.

Whereas, The legal profession, from time to time is subjected to public criticism; and

Whereas, Much of the criticism is directed to a lack of proper control by the State over the members of the bar; and

Whereas, Were all the members of the bar of Pennsylvania subject to a State bar organization, a higher standard of professional conduct might be obtained; therefore be it

Resolved (if the Senate concur), That a commission is hereby created which shall consist of nine members, who are members of the bar, three of whom shall be appointed by the President Pro Tempore of the Senate, and three shall be appointed by the Speaker of the House, and three shall be appointed by the Pennsylvania Bar Association. The commission shall organize, at the call of the President Pro Tempore of the Senate, by electing a chairman, vice-chairman, and a secretary. The members of the commission shall serve without compensation, but shall be reimbursed for all necessary expenses incurred in the discharge of their duties. It shall be the duty of the commission to study the forms of the various state integrated bars and to determine the features best suited for adaptation by this State, in the event that the commission is of the opinion that the State bar integration system of organization is a step forward in the advancement of justice and that it is likely to restore greater public confidence in the legal profession.

The commission shall present its report to the next regular session of the General Assembly.

Referred to the Committee on Rules.

STATEMENT BY Mr. TURNER.

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker, about ten days ago I offered a resolution in this House asking the State Treasurer for information as to the amount of money which was due to the different school districts of the Commonwealth. You will recall that I asked for immediate consideration of the resolution, which was not granted. The Chairman of the Appropriations Committee told me or advised me that he would secure from the State Treasurer the necessary information. While this information is not as detailed as I asked in my resolution, there was due as of the date—and this is about three or four days old now—there was due in Philadelphia and Allegheny counties alone one million one hundred sixty-two thousand dollars, and due all other school districts in the State five million one hundred thousand dollars, or a total of six million two hundred sixty-two thousand dollars. I am sure that if this detailed information which I had requested had been given, that it would show that a large part of this money was overdue from February, perhaps some of it back of that. I know that a number of the State-aided institutions also have not received their money.

In the meantime, I find that there is approximately twenty-five or twenty-six million dollars in the General Fund. It does not seem to me fair that our school districts that are in need of money be kept from that money when there is this large cash balance in the General Fund of the Commonwealth, and therefore, Mr. Speaker, I desire to offer the following resolution and ask for its immediate adoption.

RESOLUTION

SCHOOL FUNDS

Mr. TURNER offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 17, 1937.

Whereas, There is overdue by the Commonwealth to the school districts of Philadelpha and Pittsburgh the sum of $1,162,000.00; and to all other school districts, the sum of $5,100,000.00, a large part of which has been due since February; and

Whereas, There was on May 11th, a cash balance in the General Fund of the State Treasury of over $26,000,000.00, while these school districts are in urgent need of these funds to meet payments to their teachers; therefore be it

Resolved, That the State Treasurer be requested to immediately pay to the school districts, moneys due to them by the Commonwealth as required by law.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. HERBERT B. COHEN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules.

STATEMENT BY Mr. HERBERT B. COHEN.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker, I just wish to call the attention of the House to the fact that while the Commonwealth has a balance of some twenty-five million dollars it will be necessary to—

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, the gentleman from York having refused consent to the consideration of the resolution is now undertaking to discuss the resolution.

The SPEAKER. The point of order is not well taken. The House gave unanimous consent to the gentleman to make a statement.

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to call attention to the fact that while we have twenty-five million dollars in the Treasury, it will be necessary before the end of the biennium to make a payment which I think amounts to fifteen million dollars to complete sinking fund requirements under our two tax anticipation note loans. I might also call the attention of the members of the House as well as the citizens of the Commonwealth to the fact that we are completing a financial program of ninety-five million dollars, fifty million dollars in a first tax anticipation issue and forty-five million dollars in a second tax anticipation issue, and we are completing the sinking fund requirements at their dates. When the biennium ends on May 31st, the Commonwealth will have experienced one of its most momentous, gigantic financial programs ever undertaken by any Administration, and all credit is due to the financial genius of the Administration.

Therefore, Mr. Speaker, I wish to offer the following resolution.

RESOLUTION

RECALLING HOUSE BILL No. 749 FROM THE SENATE

Mr. HERBERT B. COHEN offered the following resolution which was twice read as follows:

In the House of Representatives May 17, 1937.

Resolved (if the Senate concur) That Senate Bill No. 749, Printer's No. 454, which was passed by the House May 12 with amendments, and messaged to the Senate for concurrence, be recalled by the House from the Senate for the purpose of further amendment.

On the question,

Will the House adopt the resolution?

Mr. TURNER. Speaking of the resolution, Mr. Speaker, I presume that this has something to do with the financial situation of the Commonwealth.

QUESTION OF INFORMATION

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inform the gentleman from Delaware that this resolution has nothing whatever to do with the financial condition of the Commonwealth of Pennsylvania.

Mr. TURNER. Mr. Speaker, in reply to the gentleman from York, I am now suspicious of his resolution by reason of the language contained therein. At the same time having secured the floor for the purpose of answering on the resolution on which he has already blocked the passage, I cannot tell whether the resolution to recall some bill from the Governor pertains to some of the finances of the State or not, and therefore I deem it my privilege to answer the gentleman from York by saying that I understood from the Governor's message that we were to have a three million dollar balance, and I was assured by the gentleman from York on many occasions that we had plenty of money. The gentleman from York says that out of the twenty-five million dollars, fifteen million dollars were to be paid on the notes, that would leave ten million dollars, and after deducting the six million dollars which I want for the schools, four million dollars would be left. Collections for half a month are yet to come and the ordinary operating expenses of the government run about seventeen million dollars, so that the gentleman from York, while he was engaged in taking advantage of an opportunity to spread his wings—I didn't know whether he was speaking of himself as being a great financial wizard of the Commonwealth or whether it was Judge Kalodner or whether it was the Governor, but whichever one of the three it is, with all the money they say is going to be collected from the taxes, and the balance of three million dollars they claim will be in the Treasury, on May 31st there could be no reason why this money should not be paid to the schools. Therefore I object to this recall resolution because it might have something to do with the schools.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

MOTION TO DISCHARGE COMMITTEE

Mr. PERRY. Mr. Speaker, I move that the Committee on Highways be discharged from further consideration of House Bill No. 896, entitled:

An Act for the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof to cities, incorporated towns, boroughs and townships for road and street purposes; requiring such political subdivisions to reduce their tax rates; and conferring powers and imposing duties on the Department of Internal Affairs, the Department of the Auditor General, and the Treasury Department, and on cities, boroughs, incorporated towns and townships and officers thereof.

said bill having been in the hands of said committee ten days or more, that is, from February 17, 1937.

On the question,

Will the House agree to the motion?

Mr. PERRY. Mr. Speaker, out of respect to the hour and the business before us, but nevertheless realizing the importance of this motion, I wish to remind the Speaker and the members of the House that on February 17th I presented to this House, and the Speaker referred to the Committee on Highways, House Bill No. 896. Two weeks ago, we heard the gentleman from Allegheny, Mr. Holland deliver a most worthy appeal for legislation to aid local communities through an equitable refund unto them of highway funds. Following that appeal, and in voicing my approval thereof, I suggested the reporting out and passage of House Bill 896. The very courteous Chairman of the Commitee on Highways, the gentleman of the Committee on Highways, the gentleman from Philadelphia, Mr. Kilroy, advised us that the bill was reposing in the hands of a sub-committee composed of five members. Nothing since then has occurred to disturb this repose, and the bill still remains in committee. Believing that a bill of such content, purpose and public endorsement deserves a more honorable fate than asphyxiation in the obscure darkness and dust of a pigeon hole, I have moved that it be brought before this House, if to be buried, then to be buried in public at least, therefor I moved to discharge this committee from further consideration of the bill.

In support of that motion, and out of consideration of the lateness of the hour, I am going to submit but three of the many reasons why this bill should be brought before the House in these final days of the session for action.

The first reason is the bill itself. Now, I appreciate that on a motion of this type I cannot discuss the merit of the bill, and it is not my intention to do so, but it is simply the first one of the reasons for reporting it out. It is a bill to allocate to the various municipal sub-divisions of the Commonwealth for the relief of local taxes, and the reduction of local taxes, sixty eight million dollars to be pro-rated approximately on the basis of two hundred and thirty-five dollars per mile or two dollars per capita, which means that under the bill it will be a tax reduction bill. I would suggest that many of you who are interested in that procedure, representing boroughs and townships, either first or second class, cities of the second class, second class A and third class, I will not take your time, but I will take it for granted that possibly some of you may read the bill that I am asking to have brought before the House.

That is the first reason.

My second reason is that the public demands and is entitled to have this bill considered by this body. The peo-

ple, by whom we were elected, whose interests we are pledged to serve, and to whom we must make an accounting have spoken in loud and unmistakable terms. And having heard expressed so often in this House, the phrase "mandate of the people" we cannot now profess ignorance of the implications of such a term. This mandate, in loud and unmistakable terms has been voiced by letters, petitions and resolutions, appearing on the pages of your Legislative Journal, in your possession and in my possession, among them are:

The Pennsylvania Home Rule Association and more than 700 local home rule groups.

State Association of Township Supervisors representing 1512 second class townships.

The First Class Township Commissions' Association representing 68 first class townhips.

The League of Boroughs representing 960 boroughs.

The League of Third Class Cities representing 43 third class cities.

The Conference of Allied Local Officials, representing 10 State-wide organizations.

And in addition thereto scores of civic and taxpayers organizations, motor clubs and tens of thousands of citizens throughout the State.

In truth the people of Pennsylvania have spoken, and demand that we fulfill their requests. What if a few of the administration leaders are opposed to the bill. The time is here for you to declare publicly whether you owe your obligations to the public, or to the whim and dictate of a political boss.

And that is the second reason.

The third reason goes to the sanctity of campaign pledges and promises. Many of you, as did this member, pledged verbally or in writing that if elected, you would: "Aid in reducing taxes on real estate for road and street purposes by supporting legislation to return unto cities, boroughs and townships a just share of the motor fund, to be used by the officials thereof for the maintenance and construction of local roads and streets not on the State Highway system."

I have stated publicly on numerous occasions, and again repeat, that in my opinion this House is composed of honorable men, to whom a pledge is more than a mouthful of words to gain a vote. Therefore such men, having made a promise will not only realize the obligation and duty of a promise made, but likewise are sufficiently wise to realize the penalty of a promise violated.

We are in the last days of a strenuous session. Much more is pending. So far we have done little for the interest and benefit of the local taxpayers. Reduction of local taxes, the most outstanding issue of the last campaign is being ignored.

Tonight we are facing the showdown. The issue is clearly drawn; the public is awaiting the answer. They are awaiting to discover to whom you owe your allegiance, to the people who elected you, or to political bosses. "Ye cannot serve both God and man" says the Bible, therefore, if your allegiance is to the bosses, if you are opposed to the reduction of local taxes, then vote "no"; if your allegiance is to the public, and you desire the reduction of local taxes, then vote "yes."

Mr. Speaker, I ask for a roll call.

RESOLUTION LAID ON TABLE

Mr. ALEXANDER. Mr. Speaker, in the absence of the Chairman of the Highway Committee, and myself being vice-chairman, I would ask at this time that this resolution be laid on the table, inasmuch as there are certain bills now going through that have to deal with this subject, and this House has passed the same and they are now in the Senate.

I therefore move that the resolution be tabled.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. PERRY and Mr. JACOB F. MATTHEWS.

Mr. PERRY. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—100

Alexander,	DeNote,	Lopresti,	Scanlon,
Allen,	Dickinson,	Lovett,	Schor,
Allmond,	Downey,	Marino,	Shaw,
Arnold,	Dubbs,	McDermott,	Shoemaker,
Baine,	Falkenstein,	McElroy,	Shugarts,
Baker, J. J.,	Finnerty,	McFall,	Siegel,
Balthaser,	Fitch,	McGee,	Simon,
Bierly,	Flanagan,	McShane,	Skale,
Bohn,	Flannery,	Melchiorre,	Smith, James A.,
Boles,	Gerard,	Mellott,	Spengler,
Boltz,	Hagerty,	Moomaw,	Thomas,
Bradley,	Hamilton, F. P.,	Mooney,	Toole,
Brancato,	Harmuth,	Moran,	Tronzo,
Brigerman,	Hering,	Murrin,	Tumelty,
Broad,	Hess,	O'Brien,	Valibus,
Brownfield,	Hirsch,	O'Connor,	VanSickle,
Burrows,	Holmes,	O'Keefe,	Vogt,
Caesar,	Hontz,	Ominsky,	Weiss, D. H.,
Chervenak,	Horting,	Powers,	Weiss, S. A.,
Coakley,	Jirolanio,	Preston,	Welsh,
Cohen, H. B.,	Kelso,	Readinger,	Westrick,
Cohen, R. E.,	Kroll,	Richter,	Whalen,
Coolahan,	LaRue,	Robinson,	Yourishin,
Corrigan,	Lewis,	Rothenberger,	Zappala,
Costanzo,	Long,	Sarraf,	Furman,

NAYS—55

Aukerman,	Hamilton, R. S.,	Pearson,	Stockham,
Baker, F. T.,	Holland,	Perry,	Terry,
Boose,	Huntley,	Reese,	Trout,
Boyer,	Imbrie,	Reising,	Turner,
Cadwalader,	Kline,	Royer,	VanAllsburg,
Coleman,	Levy,	Ruffennach,	Wagner,
Davies,	Longaker,	Schrock,	Wall,
Eckels,	Lyons,	Serrill,	Watkins,
Fiss,	Matthews, J. F.,	Sloan,	Weidemann,
Ganser,	McKinney,	Snyder,	Wilson,
Gillette,	Merrell,	Sollenberger,	Wood,
Gorski,	Muir,	Sproul,	Woodside,
Habbyshaw,	Patterson, C. S.,	Stackpole,	Yeakel,
Hall,	Peale,	Stewart,	

So the question was determined in the affirmative and the resolution was agreed to.

RESOLUTIONS

SYMPATHY EXTENDED

Mr. HERBERT B. COHEN offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 17, 1937.

Once more we pause from our duties and responsibilities to make fitting note of the passing of one near and dear to a high official of this Commonwealth, for the Angel of Death has seen fit to take Mrs. Catherine A. Earle Mather, a sister of the Governor, who died at her home in Haverford, early this morning.

It is with deep feeling that we offer our condolence to Governor Earle, to Mrs. George H. Earle, Jr., the mother of the deceased, and to the members of her family; and we hereby direct the Chief Clerk of this House to trans-

mit copies of this resolution to the Governor and to Mrs George H. Earle, Jr.

Mr. TURNER offered a resolution which was filed with the Clerk under the Rules.

RECALLING HOUSE BILL NO. 1159 FROM THE GOVERNOR

Mr. SPENGLER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 17, 1937.

Resolved (if the Senate concur), that House Bill No. 1159, Printer's No. 731, entitled "An act to amend section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled 'An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," as amended, by providing further with regard to limitations upon loans to one corporation or person," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. LEWIS offered a resolution which was filed with the Clerk under the Rules.

GREETINGS

Mr. RICHTER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 17, 1937.

Conewago is one of the first centers of Catholic activity in Pennsylvania and the oldest place of religious worship of any denomination west of the Susquehanna River. As early as 1721 the first mass was said in this territory and instruction given for the benefit of the Christian Indians inhabiting the Conewago Valley. The home of Colonel Robert Owings with its large room and wide hall was used as a gathering place where mass was heard. In 1753 the first resident pastor Father Mathias Manners, S. J. was appointed. In 1785 Father Pellentz tore down the original St. Mary's Chapel and began on the same spot the erection of the stately and handsome stone edifice which still dominates the countryside. This church was finally completed in 1787 and on May 31, this year will be celebrated the two hundred anniversary of the building of this chapel which was opened to the people under the patronage of the Sacred Heart, therefore be it

Resolved, That the members of the House of Representatives record this minute of the celebration of an important historical occasion in the religious and cultural life of the Commonwealth, and sends to the pastor and congregation of St. Mary's Chapel their greetings, at the celebration of this inspiring event.

Resolved, That a copy of this resolution be transmitted to the pastor of St. Mary's Chapel by the Chief Clerk of this House.

RECALLING HOUSE BILL No. 1642 FROM THE GOVERNOR

Mr. O'KEEFE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives May 17, 11937.

Resolved (if the Senate concurs), that House Bill No. 1642, Printer's No. 814, entitled "An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain municipality corporations real estate brokers rental agent and boards of school directors and imposing penalties" be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON SECOND READING

Mr. AUKERMAN. Mr. Speaker, I ask the unanimous consent of the House to call up out of order, House Bill No. 1984, Printer's No. 918, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highway peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by adding new sections further regulating the use of highways and the operation of and the equipment used in connection with vehicles including trailers and semi-trailers street cars trackless trolley omnibuses school buses and commercial motor cycles upon the highways of this Commonwealth providing exemptions extending certain provisions of the act to trailers and semi-trailers providing for the renewal and automatic satisfaction of encumbrances and liens and further amending the procedure relating thereto providing for the further registration of certain vehicles and the licensing of the operators thereof including additional requirements reciprocity agreements and additional reasons for suspension and revocation conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment changing the procedure disposition of fines and

penalties for certain violations of the act and making the fines thereunder mandatory and extending existing penalties and providing additional penalties

on page 8, of today's calendar, bill on second reading.

The SPEAKER. Will the House give its unanimous consent to call up this bill? Are there objections?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, the gentleman from Blair is asking unanimous consent to call this bill up out of order, is he not?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, I object.

The SPEAKER. The Chair hears an objection and consent is not granted.

MOTION TO SUSPEND RULE No. 14

Mr. AUKERMAN. Mr. Speaker, I move that House Rule No. 14 be suspended for the specific purpose of calling up House Bill No. 1984, Printer's No. 918.

On the question,

Will the House agree to the motion?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. Mr. Speaker, what part of the order of the day are we now on?

The SPEAKER. Resolutions.

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TURNER. Mr. Speaker, the motion is out of order.

The SPEAKER. The point of order is not well taken. A motion to suspend the rules is in order at any time.

Mr. TURNER. Mr. Speaker, I call for the order of the day.

The SPEAKER. There is nothing in order but the question on the motion to suspend Rule No. 14.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, as I understand it that part of the order of the day we are now on is resolutions, is that correct?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, the gentleman from Blair has asked unanimous consent to call up out of order a bill which is on the second reading calendar today, has he not?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, the bill had not passed second reading. The motion now, as I understand it, is a motion to suspend the rule to allow him to call it up, but the order of the day is resolutions, and therefore nothing is in order at this time but resolutions, there is no rule to suspend, to permit the calling up of a bill.

The SPEAKER. If the gentleman desires the Chair will state that Rule No. 14 fixes the daily order of business, and the order of the day. The gentleman from Blair wishes to change the order of the day and he has made a motion to that effect.

Mr. TURNER. Mr. Speaker, I did not so understand the motion of the gentleman from Blair. May I ask, Mr. Speaker, that the motion be re-stated.

The SPEAKER. It has been moved by the gentleman from Blair, Mr. Aukerman, that House Rule No. 14 be suspended for the specific purpose of considering House Bill No. 1984, Printer's No. 918, which is a bill on second reading on page 8 of today's calendar.

Mr. TURNER. Mr. Speaker, with all due respect to the Chair, I do not believe that that was the motion of the gentleman from Blair to suspend the rule. He had to have unanimous consent to call up the bill at this time.

The SPEAKER. The gentleman did ask unanimous consent, which was refused, and the gentleman then made the motion to suspend Rule No. 14 for the specific purpose of considering House Bill No. 1984.

MOTION TO ADJOURN

Mr. TURNER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was not agreed to.

On the question recurring

Will the House agree to the motion to suspend House Rule No. 14?

Mr. TURNER. Mr. Speaker, while the motion of the gentleman may not be debatable on the point concerning which I desire to make the statement, however, I would ask the indulgence of the House to say that the reason why I opposed the motion of the gentleman from Blair was because I understood there are amendments that some of the members on this side desire to offer to this bill. To call it up now, offer amendments and have it pass second reading would seem to me extremely unfair at this time, because apparently of the supposition of the members of the House that having reached "Resolutions", apparently at the end of the calendar, that there would be no such action taken.

Mr. AUKERMAN. Mr. Speaker, in reply to the gentleman from Delaware, Mr. Turner, I desire to state that my specific reason in calling up this bill tonight was to secure prompt action upon it, and inasmuch as certain Democratic members, as well as Republican members, had amendments to offer an argeement was made that all such amendments should be placed in this bill in the Senate, due to the fact that it will cost considerable to have this bill reprinted, and that is why I am insisting upon my motion to suspend Rule No. 14.

QUESTION OF INFORMATION

Mr. WOODSIDE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. WOODSIDE. Mr. Speaker, is the sponsor of the bill, the gentleman from Northampton. Mr. Jirolanio, now in the House?

The SPEAKER. Is the gentleman from Northampton, Mr. Jirolanio, present? The Chair believes the gentleman is not present.

Mr. WOODSIDE. Mr. Speaker, I have amendments, I have had no agreement with the sponsor of the bill as to amendments, and I propose to offer them and insist upon a vote on them if the bill is called up.

On the question recurring,

Will the House agree to the motion to suspend House Rule No. 14?

On a rising vote eighty-six members, less than a majority required under the Rule voting in the affirmative and thirty-one in the negative, the motion was not agreed to.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1360.

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act approved the eighteeth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended extending the time within which appeals from auditors' reports may be taken

Whereupon,

The SPEAKER, in the presence of the House signed the same.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TURNER. RESOLUTION No. 85.

In the House of Representatives, May 17, 1937.

Whereas, There is overdue by the Commonwealth to the school districts of Philadelphia and Pittsburgh the sum of $1,162,000.00; and to all other school districts, the sum of $5,100,000.00, a large part of which has been due since February; and

Whereas, There was on May 11th, a cash balance in the General Fund of the State Treasury of over $26,000,000.00, while these school districts are in urgent need of these funds to meet payments to their teachers; therefore be it

Resolved, That the State Treasurer be requested to immediately pay to the school districts, moneys due to them by the Commonwealth as required by law.

Referred to the Committee on Rules.

By Mr. TURNER. (Concurrent) RESOLUTION No. 86.

In the House of Representatives, May 17, 1937.

Whereas, Reliable reports indicate that the number of persons employed at the present time equals the average number employed during the period from one thousand nine hundred twenty-three to one thousand nine hundred twenty-nine, and

Whereas, The amount of money expended for unemployment relief does not bear out these reports, and

Whereas, It is important to ascertain wherein this descrepancy exists, if in fact it does so, therefore be it

Resolved, (if the Senate concur), that the Department of Labor and Industry is hereby directed to make a census by counties of the unemployed and in said census to specifically ascertain the number of unemployed employables and the number who are unemployable, and to ascertain such other facts as may be pertinent to the gaining of information relating to the problem of unemployment, and to publish the results of its investigation and furnish copies thereof to the public authorities engaged in the distribution of relief and public assistance.

Resolved, That an item of appropriation be inserted in the general appropriation law to pay the costs and expenses of making said census.

Resolved, That a copy of this resolution be transmitted to the Department of Labor and Industry by the Chief Clerk of this House.

Referred to the Committee on Rules.

By Messrs. OSTROFF and LEWIS.

(Concurrent) RESOLUTION No. 87.

In the House of Representatives, May 17, 1937.

Whereas, The President of the United States has by proclamation designated May 22, 1937, the 128th anniversary of the sailing of the S. S. "Savannah" across the Atlantic Ocean, as National Maritime Day; and

Whereas, This day will be celebrated in the various ports and cities throughout the United States with representatives of local, state and federal governments participating, as well as the representatives of private industry, shipping, transportation and maritime enterprise; and

Whereas, The 150th Anniversary of the United States Constitutional Convention in the City of Philadelphia is being celebrated throughout the nation, and particularly in the City of Philadelphia; and

Whereas, The City of Philadelphia, the only ocean port of this Commonwealth, has always been associated with the maritime development and history of the United States from the earliest Colonial times; and

Whereas, The Delaware River, on which the first steamboat was built, has always been an important commercial artery of the United States, supporting important and diversified industries; and

Whereas, The Port of Philadelphia is an important naval base and shipbuilding center; therefore be it

Resolved, That the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, take cognizance of the fact that the President of the United States has by proclamation designated May 22, 1937 as National Maritime Day; heartily endorse and encourage the purpose and observance of the day, in the various ports and cities of the nation and particularly in Philadelphia and throughout the Commonwealth; note the importance of its great port, Philadelphia, internationally known by reason of its colorful history and its splendid modern harbor and transportation facilities, in the economic life of the nation and the welfare and prosperity of this Commonwealth; and declare its interest in an improved and adequate American Merchant Marine; and be it further

Resolved, That a copy of this resolution be sent forthwith to the Governor of the Commonwealth with the request that he issue a proclamation calling for the proper observance of National Maritime Day.

Referred to the Committee on Rules.

ANNOUNCEMENTS

Committee Meetings for tomorrow:

Agriculture at 11:00 a. m. in Room 521.

Appropriations at 12:00 noon in Room 332.

Banking at 12:00 noon in Room 324.

Boroughs at 12:30 p. m. in Room 301.

Corporations at 12:30 p. m. in Room 245.

Education at 11:00 a. m. in Room 326.
Fisheries at 11:30 a. m. in Room 101.
Insurance at 12:45 p. m. in Room 324.
Judiciary General at 12:00 noon in Room 325.
Judiciary Special at 11:00 a. m. in Room 546.
Law and Order at 12:45 p. m. in Room 325.
Mines and Mining at 2:45 p. m. in Room 521.
Railroads and Railways at 11:30 a. m. in Room 323.
State Government at 12:00 noon in Room 521.

ADJOURNMENT

Mr. TOOLE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 2:06 a. m.) the House adjourned until Tuesday, May 18, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, MAY 18, 1937. No. 60.

SENATE

TUESDAY, May 18, 1937.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

Our God and our Father! Thou art the eternal Spirit, and if we would be true worshipers, we know we must worship Thee in spirit and in truth.

We would seek the truth that sets men free. Thy word is truth. Make us alert to see the open door, and wise to buy up the opportunities of service.

We exult and glorify the present age, beset with menace, yet fraught with wondrous possibility. Under Thee, we would make it a golden age. In the murmurs of restlessness and discontent we hear the call of our God. Impart to us a spirit of dare, and in the audacity of honest venture, may we seek to do Thy will.

Our Father, may Thy counsel guide us in our endeavors to serve our day and generation. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RANKIN, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

ASKING THAT MOTOR FUNDS BE RETURNED TO LOCAL POLITICAL SUBDIVISIONS

Mr. REED presented petitions from various citizens of Washington County, demanding that the Motor Fund collected from local roads and streets be returned to the local subdivisions, so that the tax on real estate for road and street purposes be eliminated.

Which was referred to the Committee on Municipal Government.

URGING SUPPORT OF SENATE BILL No. 815.

Mr. RANKIN presented petitions from employees of Baehr Brothers, McKeesport, Pa., urging support of Senate Bill No. 815, relative to the merchandising of second-hand automobiles at retail.

He also presented petitions urging support on the same bill from employees of the Boyer Motor Company, Pittsburgh, Pa.

Which were referred to the Commitee on Highways.

OPPOSING ANY BILL WHICH WOULD ABOLISH SYSTEM OF POOR RELIEF

Petitions from numerous citizens throughout the Commonwealth of Pennsylvania opposing any bill which is to abolish the present system of general poor relief by elected Poor Directors, or to curtail or limit their powers and duties under existing law.

Which was referred to the Committee on Welfare.

NOMINATIONS BY THE GOVERNOR

The Secretary of the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Howard B. Darrow, 401 Grant Bldg., Pittsburgh.
George A. Holmestrom, 715 Warrington Ave., Pittsburgh.

BLAIR COUNTY

Mrs. Iva M. Wineland, Curryville, North Woodbury Twp.

DELAWARE COUNTY

Miss Elizabeth Kent, Media.
Freas B. Snyder, Upper Darby, Upper Darby Twp.

LANCASTER COUNTY

Miss Fern A. Leaman, Lancaster.

NORTHAMPTON COUNTY

Miss Orpha E. Dieter, Cherryville, Lehigh Twp.

PHILADELPHIA COUNTY

L. J. Bloche, 3611 Walnut St, Phila.

WESTMORELAND COUNTY

J. E. Moorhead, West Newton.

GEORGE H. EARLE.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1159.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 18, 1937.

Resolved (if the Senate concur), That House Bill No. 1159, Printer's No. 731, entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four), entitled "Banking Code," as amended, by providing further with regard to limitations upon loans to one corporation or person.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1642.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 1642, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and their appointees of registration commissions, county election Boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

The resolution was agreed to.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Judiciary General reported as committed, Senate Bill No. 1270, entitled:

An Act to amend sections one and three of the act approved the eighteenth day of March one thousand eight hundred and seventy-five (P. L. 32) entitled "An act requiring recorders of deeds to prepare and keep in their respective offices general direct and ad sectum indexes of deeds and mortgages recorded therein prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons" by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

Also, from the Committee on Judiciary General reported as committed, Senate Bill No. 1252, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

Also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1198, (House Bill No. 1644), entitled:

An Act to amend sections one, two, four and fifteen of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," as amended; extending the provisions of said act to additional buildings; providing additional safety regulations and for the closing of certain buildings.

Mr. MALLERY, from the Committee on Appropriations, reported as committed Senate Bill No. 846, entitled:

An Act making an appropriation to the Department of Military Affairs to pay the traveling expenses of the respective Commanders of the Pennsylvania Departments of the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, or their representatives, in accompanying the members of the United States Battle Monuments Commission to Europe to dedicate certain monuments.

Mr. CAVALCANTE, from the Committee on Appropriations, reported as amended, Senate Bill No. 1177 (House Bill No. 564), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1143, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of lands in connection with George W. Childs State Forest Park.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1172 (House Bill No. 141), entitled:

An Act making an appropriation to the Supreme Court for a portrait of the former Chief Justice of said court.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1173 (House Bill No. 142), entitled:

An Act making an appropriation to the Supreme Court for a portrait of the Chief Justice of said court.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1202 (House Bill No. 1745), entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1230 (House Bill No.), entitled:

An Act providing for the creation of a trade school in cities of the first class and making an appropriation.

Mr. EROE, from the Committee on County Government, reported as amended, Senate Bill No. 210 (House Bill No. 301), entitled:

An Act to amend sections one hundred eighty-two and one hundred eighty-three and to add sections one hundred fifty and one- tenth one hundred fifty and two-tenths one hundred, fifty and three-tenths and one hundred fifty and four-tenths to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" requiring all county officers hereafter appointed or elected upon the expiration of their terms, to pay over to the county treasurer all moneys in their possession for which they are liable to account under their respective bonds together with a statement thereof and providing for the payment out of such moneys providing for the escheat of certain moneys held in the county treasury and releasing such county officers.

Also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1117, entitled:

An Act to amend the act of the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 922) by restricting the sale and transportation of goods, wares and merchandise prepared and manufactured within and without this Commonwealth by convicts and prisoners, and providing penalties.

Also, from the Committee on Labor and Industry, reported as amended, Senate Bill No. 764 (House Bill No. 76), entitled:

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotive trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines to provide the qualifications of certain employes and to provide a penalty for the violation thereof and the enforcement thereof by the Public Utility Commission.

Mr. JACOBS, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1223, entitled:

An Act to amend section one of the act approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise of any kind, fixtures, machinery equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties," providing for the payment of unemployment compensation contributions.

Mr. BUCKMAN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1220, entitled:

An Act to validate conveyances purporting to be the act and deed of a corporation heretofore erroneously executed and acknowledged, or executed and acknowledged by persons purporting to be agents of or trustees for a corporation which has since been dissolved.

Also, from the Committee on Federal Relations, reported as committed, Senate Bill No. 1304, entitled:

An Act for the conveyance to the United States of America of title in and to certain lands in the Township of Fairview, County of York, and ceding to the United States jurisdiction over said lands.

Also, from the Committee on Insurance re-reported as amended, Senate Bill No. 1241, (House Bill No. 1764), entitled:

An Act relating to certain existing beneficial societies, conferring certain rights, powers and duties upon them, their officers and members, authorizing the payment of benefits by them in the event of sickness, accident, disability or death, regulating such societies and corporations and limiting the amount for which they may issue membership certificates or policies providing for reserves, imposing penalties and repealing certain existing laws and parts of law.

Mr. FREY, from the Committee on Appropriations reported as committed, Senate Bill No. 627, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase, condemnation, or otherwise, for State Park purposes.

Also, from the Committee on Appropriations reported as committed Senate Bill No. 940, entitled:

An Act authorizing the acquisition in the name of the Commonwealth by the Department of Forests and Waters of Braddock's Park and Jumonville Park by purchase, control, and for the management and the supervision thereof, and appropriating funds for such acquisition.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1215, entitled:

An Act making an appropriation to the Department of Forests and Waters for the acquisition of certain lands as state forest lands.

Also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1075, entitled:

An Act to protect the public health and welfare by regulating employment in this Commonwealth, with respect to hours and conditions of employment; providing for certain exceptions; imposing duties, liabilities and conditions on employers; defining the powers and duties of the Department of Labor and Industry and its officers and representatives; and providing penalties.

With the understanding it will be amended later.

The PRESIDENT, The Chair presents to the Senate, in response to Senate Resolution, a report from the State Emergency Relief Board, with the names, salaries, etc. of all its employees. Pursuant to custom, the report will be available for inspection in the office of the Secretary, and will be printed in the appendix of the Legislative Journal.

MOTION TO PRINT

Mr. BUCKMAN. Mr. President, I move that two copies of this report be printed for the use of each Senator.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. May the Chair say that the reports will not be available until Monday, next. We cannot get them out before that date, but the report is in the secretary's office for inspection. It is a public document and will be published in the appendix of the Journal, in addition thereto.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Bucks, Mr. Buckman on his motion.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, does the Senator from Bucks insist upon his motion?

Mr. BUCKMAN. Mr. President, absolutely.

Mr. SHAPIRO. Mr. President, may I inquire from the Senator from Bucks the purpose of printing the report? It will cost considerable money for printing and as the report will appear in the appendix of the Journal, anyone who is particularly interested can refer to it.

Mr. BUCKMAN. Mr. President, it should be printed for the use of the Senate. It is a document that we ought to have separate and apart from the Legislative Journal. Furthermore, we do not know when we will get the Legislative Journal, probably in mid-summer. It has been my experience that at the end of the Session there is so much printing to be done that the State printer cannot keep up, especially the appendix, and it probably will not be complete until late in the summer.

Mr. SHAPIRO. Mr. President, I saw the document handed up by the Clerk to the President, and it will probably run into hundreds of pages, and in addition to that, there are names and addresses of employees of the State contained in the report which should not be circulated freely, and there is no reason for printing these names and addresses and the information that comes to us merely as members of this Legislative Body. The printing of this matter will make it public property for circulation for any and all purposes, and it seems to me that the Senate ought to vote down such a motion, aside from the question of expense.

The PRESIDENT. The motion is that the Senate authorize the printing of two copies of the report of the State Emergency Relief Board for each Senator.

And the question recurring,

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, it is an incidental matter, and I am objecting to it because of the expense. We are having a tremendous printer's bill and this will cost at least $1000. It does not make any difference whether you have two copies printed for each member, you might as well say fifty copies for each Member, as it does not cost any more money. I do not think that any member should ask for that expense when we promised to give him copies of the report.

Mr. THOMPSON. Mr. President. I have been informed that the Department of Welfare is now preparing mimeographed copies of this list at the request of the Senate, and as soon as these mimeographed copies can be prepared, that is the actual mechanics of the mimeographing, they are to be put in the hands of the Senators. I think in view of all these circumstances as related by these other Senators, and the fact that the lists are being prepared for us as speedily as they can be prepared, it is not at all necessary to impose this expense on the Commonwealth.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT, Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. OWLETT. Mr. President, can the Senator from Centre, give us any idea when we will have these mimeographed copies?

Mr. THOMPSON. Mr. President, I understand that they expect to have them before the adjournment this week. It is absolutely impossible—I have taken this up myself, as I want a copy of this list—to get them out much quicker than that. Everybody knows that it is a big job to prepare this list and it will probably take the State printer all of that time or longer.

The PRESIDENT. The State Printer advises that it will take 296 hours to print it.

Mr. THOMPSON. Mr. President, I think the speediest way is to direct the department of Welfare to have the list mimeographed.

Mr. BUCKMAN. Mr. President, I desire to withdraw my former motion, and I now move that the Clerk be instructed to furnish at least one copy of the report to each member of the Senate, as soon as it may be found convenient.

Mr. THOMPSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, since the information contained in this report is so valuable in the consideration of the bills pertaining to relief now on the Calendar, I would like to ask the Senator from Centre, if he will agree to postpone action on the bill sponsored by him pertaining to relief, until a copy of the report is in the hands of the Senators, so that we may intelligently know just what we are voting for in these bills.

Mr. THOMPSON. Mr. President, as much as I would like to accede to the request of my colleague, the Senator from Fayette, Mr. Cavalcante, I believe at this late date in the Session any such request could hardly be complied with, and at the same time pass very necessary legislation.

Mr. CAVALCANTE. Mr. President, I would like to ask the Senator from Centre, Mr. Thompson, of what good is the report to us after we have voted on the bills you have introduced pertaining to that subject.

Mr. THOMPSON. Mr. President, the answer to the inquiry of the Senator from Fayette is simply this: as I remember this resolution, it called for information as of January 1st, and as of April 1st, and I see no reason why the sponsor of the bill should have waited until May to introduce a resolution calling for information up to April 1st. The sponsor is really to blame for any lack of information that we have suffered during this past month.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to the question of Personal Privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, I desire to make the second preliminary report of the Committee covering the tax study and comparisons by the Tax Study Commission covering the Anthracite Coal Industry which the Commission was appointed by this Legislature. The report is as follows:

SECOND PRELIMINARY REPORT OF THE
TAX STUDY COMMISSION
COVERING THE ANTHRACITE COAL INDUSTRY

Senators: John H. Dent, Chairman
Frederick T. Gelder
Israel Stiefel
Representatives: Harry E. Trout, Vice Chairman
Samuel A. Weiss, Secretary
James E. Lovett

Your Commission on comparative studies in the result of taxes on Pennsylvania industry has previously given a preliminary report on the conditions surrounding the Bituminous Mining Industry. We take this opportunity to read into the records a preliminary report covering the Anthracit e Mining Industry. Your Commission spent three full days conferring with operators, miners and business men visiting colleries and breakers and touring the extensive workings in the three counties of Schuylkill, Luzerne and Lackawanna. We feel that this report may act as a guide when discussions pertaining to taxes and regulations come before this body.

The history of Anthracite is interesting and its importance was really discovered through an accident. This accident has led to one of the largest wealth producing industries in the whole world It has truly been said that Anthracite is more exclusive than gold—gold having been found and mined in every section of the world; whereas, the world's largest pocket of Anthracite can only be found in Pennsylvania. There are approximately 12,000 square miles in the Anthracite bed. It has been used to heat approximately 6,000,000 homes. It supplies more railway tonnage annually than comes from some whole states and is responsible for the prosperity of at least a dozen railroads. There are approximately 600,000 people in these coal counties who are dependent upon the activities in the Anthracite fields.

This Commission will show the increase in taxes and we shall take various exhibitions to illustrate our findings. One company called Company A, having holdings in five counties, shows a shocking increase in the local taxation. Let us take the figures: In 1908 the total assessed valuation was rated at $19,028,174. This is increased to $59,621,768. for the same land in 1936. The taxes paid in 1908 were $378,420. as compared to $2,274,841. in 1936. Those are the net taxes after taking advantage of all discounts and not including taxes paid by companies working out leases on the same property, remembering of course that practically all of this land is undeveloped, unmined land. The increase in valuation is in reality a tonnage tax on unmined coal. This Commission will in the near future break these figures down to show the amount of taxes paid per ton on unmined coal and how such taxes increase the year by year cost of mining Anthracite coal to the point that taxes amount to more than the actual value of the coal per ton. To further illustrate this picture, we will break down the taxes as paid by this Company.

In 1908, the taxes were broken down to show as compared to 1936:

Year	*County*	*Road or Boro*	*School*	*Poor Board*
1908	$103,428.	$93,494.	$ 163,345.	$ 18,152.
1936	472,482.	287,088.	1,281,686.	233,584.

We can insert at this time four illustrations to show that the method of computing land valuations in the Anthracite fields is not based on any given formula or standard scale:

1. Glentworth Tract—Blythe Township, Schuylkill County 329 acres
   1913 valuation—$ 72,704. (virgin coal)
   1936 valuation— 177,625. One-half of coal already mined—no differential set between mined and unmined lands
2. Eagle Hill—Blythe Township, Schuylkill County 325 acres
   1913 valuation—$ 71,820.
   1936 valuation— 168,125.—2/3 exhausted. Worked continuously until 1929
3. Branch Township—Schuylkill County 38 acres
   1913 valuation—$ 8,702.
   1936 valuation— 24,206.
4. Lindsay Coates Tract—Branch Township, Schuylkill County 110 acres
   1913 valuation—$22,041. or $200. plus an acre
   1936 valuation— 61,820. or 562. " "
   Virgin coal estimate—10,747,000 tons
   Mined out — 2,367,000 "

   Coal left in ground in 1936 — 8,380,000 tons

This tends to show that the industry is in a peculiar position of paying on coal lands that are no longer coal lands, in some instances paying the same taxes on land that has been completely exhausted as on land that is as yet unmined.

The Anthracite industry has paid total taxes ranging from $5,783,000 in 1916 to $10,899,000 in 1935 exclusive of the Pennsylvania tonnage tax and the federal income tax. This industry employs a total of 212,033 men in the mining operations. This work is a decrease from the figures of 1929 when there were 323,359 men employed. This decrease is partially due to a loss of markets caused by the competition from cheaper fuels and the inability of the Anthracite companies to market their coal at a lower price due to the fixed charges, rail rates, labor and taxes. It may also be interesting to note that this one company had a differential in 1913 taxes to 1935 taxes of approximately $1,896,000 in increases and yet mined 3,936,000 tons less in 1936 than was mined in 1913, which should demonstrate that the increased cost of coal is directly traceable to the increased real estate taxation due consideration given to all other tax increases. It may be interesting at this time to carry this particular argument to the field of compensation costs per ton. This Commission, with its own statistician, removed records directly from the books of companies actively engaged in the mining of Anthracite and submits for consideration at this time figures on compensation from 1932 to 1936, showing that there is a stabilized cost per ton well established within the industry. From 1932 to 1936, the following figures were true:

Year	Total Tonnage	Mined Tonnage	Disbursements	Cost Per Gross Ton (Mined Tonnage)	Cost Per Gross Ton (All Ton)
1932	5,506,161	4,754,367	$721,887.66	.152	.131
1933	5,177,080	4,150,862	614,799.97	.148	.119
1934	7,112,243	5,829,215	597,286.94	.102	.084
1935	5,937,607	4,920,884	596,782.75*	.121	.10
1936	6,804,599	4,616,543	612,436.90	.111	.09

*Excluding Gilberton Colliery Accident of 1-21-35.

Following this further, we find that by comparing the provisions of the new proposed compensation act to the present compensation act, assuming the same case records as were true in 1936, we find that the figure of $612,436 for 1936 will have jumped to $2,690,486 for the same number of accidents under the same conditions, or an increase to this one particular company of $2,084,091. Those figures, reduced to a tonnage basis show an increase from $.11 per ton to $.49 per ton if Workmen's Compensation Act, House Bill No. 99, is passed with its present provisions.

There are many other angles to the tax and regulation

question in the Anthracite Industry and your Commission will make a more comprehensive report in the immediate future. However, it is sufficient to say that this Commission, as a group, was very much impressed with the magnitude of the Anthracite Industry and the tendency already in practice in some fields to close the large operations in favor of subleasing to small individuals who can circumvent certain restrictions and establish policies, thus operating cheaper and mine profitably on a small margin. Of course, we find that these small operators do not participate in the educational program of the industry which is trying to reestablish the supremacy of Anthracite in certain sections of our country. This gives them an additional advantage. It is interesting to note that these small operators as a group state that the increased cost of compensation will wipe out all their trade advantages and will necessarily curtail and eventually eliminate their operations. We insert at this time the record of a small company taken right from their books, showing for the month of March 1937 an operating loss of $7,456.75. This company states that any further increases will automatically close its operations, thus depriving the community of a payroll of $123,488.34 per month.

CRANBERRY COAL COMPANY

Statement Showing Result of Operating for Month of March 1937

	Avg. Per Ton	Net Tons	
INCOME:			
Sales—March, 1937	60,809.18	221,497.65	
Inventory 3-31-37 .	3,195.00	13,225.80	
Total	64,004.18	234,723.45	
Less Inventory 2-28-37	3,355.00	15,499.30	
Net Income ... 3.61	60,649.18		219,224
OPERATING AND OTHER EXPENSES:			
Wages		123,488.24	
Royalty		24,875.37	
Stripping		28,445.38	
Material and Supplies		12,340.00	
Power (part estimated)		14,481.67	
Compensation Insurance		8,214.65	
Taxes		2,747.23	
Cone Rental		2,030.35	
Bank Coal		3,130.96	
Payroll Taxes		3,530.49	
Allowances on Sales		2,425.39	
Telephone		146.50	
Office Expense		188.57	
Haulage		981.39	
General Expense		156.75	
Total Operating Expense 3.74			227,182
Loss from Operating .. .13			7,958
OTHER INCOME:			
Sale of Scrap		219.07	
Discount Earned		135.57	
Switching Service		87.00	
Rent Account		60.40	
Total other income			502
NET LOSS			7,456

An interesting set of figures showing the importance of this industry indicates that for the years 1935 and 1936 the following earnings were true of the Pottsville region in the actual mining operations:

Year	Gross Earnings Before Deductions	Wages Paid in Cash
1935	$15,626,547.	$14,559,753.
1936	15,720,257.	14,599,273.

These figures prove that the industry has one of the largest payrolls in Pennsylvania and that payroll taxes are necessarily a greater burden than taxes based on profits and other forms of taxation.

Your Commission notes that the same is true of the Anthracite as has been said of the Bituminous coal industry—that it is a declining industry and unless this group of men work to an end that aid is given to this field of employment we may see the unemployment of many men in the near future.

Senator Joseph F. Guffey is to be complimented for his untiring efforts to stabilize the soft coal industry and thus help to place our basic industry back on a sound footing. However, his efforts will have little or no effect on the hard coal problem because of the fact that the industry is exclusively a Pennsylvania activity and therefore the direct responsibliity of the State Government. We also wish to state that the Governor is to be commended for establishing a commission to study this valuable asset to Pennsylvania and this Tax Study Commission wishes to offer its findings, services and cooperation to this Anthracite Commission in trying to solve an intricate and pertinent question.

We also acknowledge with thanks the cooperation of all the operators, the merchants, the tax commissioners and the officials of the United Mine Workers who gave so much of their time and information.

We also acknowledge gratefully the assistance given to the Commission by the Senators from the Anthracite region—Senator Dando of Schuylkill, Senator Howell of Lackawanna and Senators Sordoni and Mundy from Luzerne.

The PRESIDENT. The report is received and will be made a matter of record in the Journal.

BILLS OVER IN ORDER

Mr. RODGERS. Mr. President, at the request of Dr. Bogardus, I ask unanimous consent that Senate Bill No. 776, on final passage, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and precribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in(and the transfer of inmates from State

penal and correctional institutions empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions eliminating the office of business manager in State institutions under the Department of Welfare authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects making further provision for bid performance bonds of bidders for State contracts extending the scope of the work of the State Park Commission further regulating purchases made directly by departments boards and commissions requiring counties to pay compensation and expenses of special attorneys in criminal cases authorizing the Governor to grant commissions to State pilots providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth providing for the promulgation of rules and regulations by and enlarging the powers of the Department of Forests and Waters and the Water and Power Resources Board further regulating the maximum price that may be paid for land acquired for State forestry purposes prescribing the membership and powers and duties of the State Park Commission creating and prescribing the powers and duties of Regional State Park Boards eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor the Pennsylvania Game Commission eliminating the Public Service Commission of the Commonwealth of Pennsylvania and extending the provisions of the Code to its successor the Pennsylvania Public Utility Commission transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue and the State Board of Undertakers from the Department of Public Instruction to the Department of Health eliminating the State Aeronautics Commission the Pennsylvania Alcohol Permit Board and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives and the Anatomical Board and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON. Mr. President, I ask unanimous consent that Senate Bill No. 1152, on final passage, entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the orphans' court to conduct jury trials to determine issues awarded by it and regulating the procedure and appeals in such cases

to go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP. Mr. President, I ask unanimous consent that Senate Bill No. 20, on third reading, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverages and providing penalties and for the revocation of licenses and permits.

go over in its order.

Mr. RUPP. Mr. President, and members of the Senate, the Senator from Allegheny, Mr. McGinnis, was going to speak on this bill, but I see he is absent from the Chamber. Therefore, I am going to ask that this bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 83, on third reading, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 127, on third reading, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 166, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gelder,	Kunkel,	Rodgers,
Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Scarlett,
Chapman,	Heyburn,	McCreesh,	Shapiro,
Dando,	Homsher,	Mundy,	Sipe,
Deitrick,	Huffman,	Pierson,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,			

NAYS—0

A majority of all the Senators having voted "aye" the the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 365, entitled :

An Act to further amend the act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled, 'An act to

provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and repealing inconsistent acts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Salus,
Buckman,	Henney,	McCreesh,	Scarlett,
Cavalcante,	Heyburn,	Mundy,	Shapiro,
Chapman,	Homsher,	Owlett,	Sipe,
Dando,	Jacobs,	Pierson,	Sones,
Deitrick,	Jaspan,	Pytko,	Stiefel,
Dent,	Kahle,	Rankin,	Thompson,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Ealy,	Kunkel,	Rice,	Woodward,
Eroe,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 477, entitled:

An Act to repeal the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (P. L. 992) entitled "An act prohibiting cities boroughs towns and townships to increase or diminish the salary compensation or emoluments of elected officers after their election."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Barthold,	Haluska,	McCreesh,	Rupp,
Cavalcante,	Henney,	McGinnis,	Shapiro,
Dando,	Jaspan,	Mundy,	Sipe,
Dent,	Kilgallen,	Rankin,	Stiefel,
DiSilvestro,	Kunkel,	Rodgers,	Thompson,
Frey,	Lanius,		

NAYS—21

Bean,	Gelder,	Kahle,	Reed,
Buckman,	Gilson,	Law,	Salus,
Chapman,	Heyburn,	Mallery,	Scarlett,
Deitrick,	Homsher,	Owlett,	Wolfenden,
Ealy,	Jacobs,	Pierson,	Woodward,
Eroe,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 485, entitled:

An Act to re-enact and amend the act approved the seventh day of June one thousand eight hundred and eighty-seven (Pamphlet Laws three hundred sixty-five) entitled "An act to encourage and authorize the formation of cooperative associations productive and distributive by farmers mechanics laborers or other persons" by extending and changing the provisions thereof

And said bill having been read at length the third time,

On the question,

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to amend sec. 1 (Sec. 1), page 3, line 3, by striking out the words "and not for profit"; amend sec. 1 (Sec. 18), page 25, line 25, by inserting after the word "corporations" the following: "Such corporations shall be subject to the payment of the same taxes as are imposed by the laws of this Commonwealth on corporations engaged in business for profit.

The PRESIDENT, Is there objection?

The Chair hears none.

Mr. KILGALLEN, from the Committee on Insurance reported as committed, Senate Bill No. 1269, entitled:

An Act to further amend Article VI of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by adding thereto sub-article VI (h) consisting of Sections 685 (six hundred and eighty-five) to 696 (six hundred and ninety-six) inclusive, defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

Also, from the Committee on Finance, reported as amended, Senate Bill No. 362, entitled:

An Act to amend section two of the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," as amended; allowing for certain deductions of taxes where the same property would be twice taxed within one year.

Also, from the Committee on Judiciary General reported as committed, or as amended, Senate Bill No. 662, entitled:

An Act to amend section one hundred and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three, (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending, revising, consolidating and changing the law relating thereto," as amended, withdrawing the skunk or polecat from the furbearing animal class as defined in said act.

Mr. LAW, from the Committee on Insurance reported as amended, Senate Bill No. 753, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled 'An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds asociations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," by repealing the present sections of the act pertaining to investments, namely, sections 404, 405, 517, 518, 602 and 603, and substitute therefor new sections which provide for a reclassification of the investment provisions relating to life, fire, marine, fire and marine and casualty insurance companies.

To be recommitted after two readings.

Also, from the Committee on Judiciary General reported as committed, Senate Bill No. 1234, entitled:

An Act prohibiting during a declared emergency, foreclosure, entry of judgment and issuance of execution on agreements, bonds and mortgages affecting real property, because of failure to fully discharge municipal liens against such property, where such liens, pursuant to ordinance or resolution, are being paid in installments.

Also, from the Committee on Judiciary General reported as amended, Senate Bill No. 850, entitled:

An Act to consolidate, revise and amend the penal laws of this Commonwealth.

Mr. SONES, from the Committee on Appropriations reported as committed, Senate Bill No. 1239, (House Bill No. 393), entitled:

An Act making an appropriation to the Department of Health for the purpose of draining flooded mines and quarries in this Commonwealth to recover human bodies lost therein.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1188, (House Bill No. 1151), entitled:

An Act providing for the return to the State Insurance Fund of moneys transferred therefrom to the General Fund.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1244, entitled:

An Act making an appropriation to the American Legislators Association, and the Interstate Legislative Reference Bureau.

Mr. McCREESH, from the Committee on Insurance reported as committed, Senate Bill No. 602, entitled:

An Act to amend section six and sections eleven and eighteen as amended of the act approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws seven hundred sixty-two) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto, declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof," further regulating the administration of such Fund, the fixing of premiums payable by subscribers, the distribution of unexpended balances to subscribers, the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1113, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor, and the Board of Trustees of the Edinboro State Teachers College to acquire certain tracts of land for the use of said college; and making an appropriation.

Mr. RANKIN, from the Committee on Appropriations reported as committed, Senate Bill No. 376, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, and the Board of Trustees of the Kutztown State Teachers College to acquire certain tracts of land for the use of said college; and making an appropriation.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1225, entitled:

An Act making an appropriation out of The State Stores Fund to the Department of Property and Supplies for the acquisition of land (with or without buildings thereon) and for the erection, construction and equipment of an office building thereon for the use of the Pennsylvania Liquor Control Board.

Also, from the Committee on Appropriations reported as amended, Senate Bill No. 873, entitled:

An Act making an appropriation to the Department of Forests and Waters for the purpose of improving and developing the Hemlock State Forest Park in the County of Perry.

Mr. HENNEY, from the Committee on Federal Relations reported as committed the following resolution, which was laid on the table:

In the Senate of Pennsylvania, May 13, 1937.

Whereas, The civilian conservation corps has been in successful operation for a period of four and one-half years, and

Whereas, This organization has been most useful in building character, individuality, and moral in the youth of the nation, and has educated them in discipline, and

Whereas, The work performed by this agency has been a useful contribution to the states and the nation, and will be more fully reflected in the future, and

Whereas, The President of the United States, recognizing the great value of this agency, has recommended to the Congress that it be made a permanent agency of the Federal Government, therefore be it

Resolved, (if the House of Representatives concur), that the General Assembly of the Commonwealth of Pennsylvania hereby memoralizes the Congress of the United States to enact legislation which will establish the civilian conservation corps on a permanent basis, and as a permanent agency of the United States.

Resolved, That a copy of this resolution be transmitted to the President of the Senate, and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress of the United States from the Commonwealth of Pennsylvania, by the Chief Clerk of this House.

Mr. BARTHOLD, from the Committee on Insurance reported as amended, Senate Bill No. 1024, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such

companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," to further except from subdivision (b) of article six of that act policies of group health and accident insurance; defining group health and accident insurance.

Mr. STIEFEL, from the Committee on Labor and Industry reported as committed, Senate Bill No. 1184, (House Bill No. 1021), entitled:

An Act for the protection of employes by prohibiting those in authority over such employes to threaten or intimidate employes failing or refusing to sign petitions.

Mr. McGINNIS, from the Committee on County Government reported as committed, Senate Bill No. 525, (House Bill No. 935), entitled:

An Act requiring counties of the third class to repay moneys heretofore recovered on forfeited recognizances in certain cases and providing for the recapture of such moneys from future fines and forfeited recognizances payable to law and library associations

Also, from the Committee on Judiciary General reported as committed, Senate Bill No. 1095, (House Bill No. 1343), entitled:

An Act to further amend the first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when, how, upon what property, and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by permitting the filing of claims in more than one county in certain cases

Also, from the Committee on Judiciary General reported as committed, Senate Bill No. 1312, entitled:

An Act defining sales of real property in partition and dower proceedings, to be judicial sales; discharging the real property sold from the lien of certain encumbrances; and providing for their payment out of the proceeds of the sale.

Mr. LANIUS, from the Committee on Appropriations re-reported as committed, Senate Bill No. 1186, (House Bill No. 1144), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1187, (House Bill No. 1145), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requiremets on the State debt.

Mr. HEYBURN, from the Committee on Appropriations re-reported as amended, Senate Bill No. 572, entitled:

An Act prescribing the powers and duties of the Department of Forests and Waters in respect to the Brandywine Battlefield and making an appropriation.

Also, from the Committee on County Government reported as amended, Senate Bill No. 663, (House Bill No. 965), entitled:

An Act to amend section one of the act approved the sixteenth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws two hundred forty-four), entitled "An act applying to third class counties only and regulating the selection, drawing and summoning of all jurors and talesmen and defining their qualifications in such counties, creating a jury board and defining its powers and procedure, providing for the appointment of a clerk to the jury board and fixing his maximum salary, providing for the custody of the jury wheel and the filing and custody of jury lists, providing for the public drawing of jurors and the methods thereof, giving the trial judge the right to excuse jurors, prescribing the time of challenging jurors for the array and regulating the procedure if array is quashed, repealing all acts or parts of acts inconsistent therewith," by reconstituting the jury board.

Mr. RICE, from the Committee on Appropriations re-reported as amended, Senate Bill No. 860, entitled:

An Act supplementing the act of July twenty-second, one thousand nine hundred and thirty-six (Pamphlet Laws seventy) and authorizing the Governor directly or through such agency as he may designate to provide plan, prepare, supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39 and making an appropriation.

Also, from the Committee on Appropriations reported as amended, Senate Bill No. 1185, (House Bill No. 1133), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1259, entitled:

An Act to amend sections one and four of the act approved the ninth day of March, one thousand nine hundred and thirty-seven (Act No. 11), entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendation as to such legislation as may be necessary or desirable, otherwise to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation"; by empowering the commission to sit after the adjournment of the General Assembly; and increasing the amount of the appropriation.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1182, (House Bill No. 957), entitled:

An Act making an appropriation out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission for the purpose of acquiring the toll bridge at Dingman's Ferry over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1181, (House Bill No. 956), entitled:

An Act making an appropriation out of the Motor License Fund to the Auditor General, State Treasurer and Secretary of Highways as the Commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1195, (House Bill No. 1508), entitled:

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1175, (House Bill No. 392), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Mr. McCREESH, from the Committee on Insurance reported as committed, Senate Bill No. 448, entitled:

An Act to amend section one of the act approved the seventeenth day of May, one thousand nine hundred nineteen (P. L. 207), entitled "An act relating to policies of life insurance or annuities," extending the provisions of said act to certain other contracts.

Also, from the Committee on Insurance, reported as committed, Senate Bill No. 442, entitled:

An Act to further amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 112) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts, bona fide taken out by any person not exceeding one hundred dollars per month," extending the provisions of said act to certain other contracts, and increasing the amount of such exemption.

Mr. WOLFENDEN, from the Committee on Insurance reported as committed, Senate Bill No. 744, entitled:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof.

Mr. RUPP, from the Committee on County Government, reported as committed, Senate Bill No. 1308, entitled:

An Act to amend section four hundred and one of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," as amended by further regulating depositories of funds of counties of the second class.

Also, from the Committee on County Government, reported as committed, Senate Bill No. 724 (House Bill No. 1265), entitled:

An Act to further amend the title and section one of the act, aproved the eighth day of May, one thousand nine hundred and twenty-nine, (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," extending said act to all political subdivisions.

Mr. OWLETT, from the Committee on County Government, reported as committed, Senate Bill No. 1294 (House Bill No. 2102), entitled:

An Act to add section 491.1 to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the sixth, seventh and eighth classes to pay bounties for the destruction of rattlesnakes copperhead snakes and porcupines.

Also, from the Committee on Judiciary General reported as committed, Senate Bill No. 1098 (House Bill No. 1475), entitled:

An Act to amend section eleven of the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws four hundred eighty-three) entitled "An act relating to practice in the Courts of Common Pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" providing that the defendant in a counter-claim may ask for an account in certain cases

BILLS INTRODUCED

Mr. SALUS read in his place and presented to the Chair Senate Bill No. 1321, entitled:

An Act to amend section two hundred one as reenacted, section two hundred six, section two hundred seven as amended, and sections two hundred eight and two hundred nine of, and to add article twenty-five A to, the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," creating a new administrative department to be known as the Department of the Unemployed, prescribing its powers and duties and providing for the appointment of the Secretary of the Unemployed by the Governor.

Which was committed to the Committee on State Government.

Mr. DiSILVESTRO read in his place and presented to the Chair Senate Bill No. 1322, entitled:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred

eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" by eliminating certain conditions of removal of inspectors and providing for their appointment in counties of the first class.

Which was committed to the Committee on City Government.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 1323, entitled:

A Joint Resolution creating a commission to study and report on the insurance laws of the Commonwealth; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 1324, entitled:

An Act to amend section five of the act approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred forty-two), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by providing for limited certificates of registration for operators and managers engaged in particular types of beauty culture subject to rules of the Department of Public Instruction.

Which was committed to the Committee on State Boards.

Also, read in his place and presented to the Chair Senate Bill No. 1325, entitled:

An Act to prevent the plaintiff in a civil suit in a court of record from suffering a voluntary non-suit after the defendant has begun to offer evidence or has announced an intention not to do so.

Which was committed to the Committee on Judiciary General.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 425

Mr. THOMPSON offered the following resolution which was twice read considered and agreed to:

In the Senate May 18, 1937.

Resolved (if the House of Representatives concur), that Senate Bill No. 425, Printer's No. 383, entitled "An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

AMENDING CONCURRENT RESOLUTION SERIAL No. 102

Mr. SHAPIRO offered the following resolution which was twice read considered and agreed to:

In the Senate, May 18, 1937.

Resolved (if the House of Representatives concur), that the 3rd Resolve Clause of Concurrent Resolution, Serial No. 102, Senate History, page 302, issue of May 17th, be amended to read as follows:

Resolved, That said committee shall make a report of its findings and recommendations to the General Assembly at this Session as early as possible: Provided, however, that in the event said committee shall be unable to complete its investigation before the adjournment of this Session of the General Assembly, it shall have power to sit after said adjournment and shall then make its report to the Governor.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Rsolution from the Senate as follows:

In the Senate, May 17, 1937.

Resolved (if the House of Representatives concur), that when the Senate adjourns this week it reconvene on Monday evening, May 24th, at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 24th, at nine o'clock, Eastern Standard Time.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 77, entitled:

An Act to amend section two thousand eight hundred and nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts, and to the preparation of cut stone for use in buildings, to all school districts.

House Bill No. 859, entitled:

An Act to further amend section four, of the act, approved the third day of June one thousand nine hundred and eleven (P. L. 639), entitled, as amended, "Medical and Surgical Practice Law," by changing the requirements of medical educational institutions.

House Bill No. 914, entitled:

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal licenses or registration certificates to persons engaged in professions, trades or occupations requiring such renewals.

House Bill No. 1410, entiled:

An Act relating to the manufacture, repair, renovating, cleansing, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease

and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

The PRESIDENT. Senate Bill No. 749 is on the Calendar by mistake; it has been recalled by the House.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 794

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 794, entitled "An act To amend sections one and two as amended and sections four, six, and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen, (Pamphlet Laws 1012) entitled 'An act regulating the business of loaning money in sums of three hundred ($300) dollars or less * * *,' by restricting the business of lending by others than licensed lenders; by enlarging the powers of the Secretary of Banking; providing for the refusal or revocation of licenses; authorizing the Secretary of Banking to make rules and regulations, and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; extending the rights, powers, duties, liabilities and immunities of, and limitations upon, the rights and powers of licensed lenders; increasing the penalty for operation without a license; bringing certain transactions within the scope of the act; providing additional exemptions from the provisions of the act; providing for appeal to the courts in certain cases; and imposing additional penalties," respectfully submit the following bill as our report.

CHARLES W. SONES,
HARRY SHAPIRO,
C. GILBERT WOLFENDEN,
Committee on the part of the Senate.

J. M. FLINCHBAUGH,
ELLWOOD J. TURNER,
PAUL C. LEWIS,
Committee on the part of the House of Representatives.

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" as amended by the act approved the fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy-five) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be [lawful] unlawful for any person persons partnership association or corporation within this Commonwealth [who shall comply with the requirements of this act] to make a loan of money credit goods or things in action in the amount or of the value of [in sums of] three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities and charge [and collect for the] contract for or receive on any such loan [thereof] a rate of interest [as hereinafter provided under the following conditions] discount fines charges or consideration greater than six per centum (6%) per annum without first obtaining a license from the Secretary of Banking in accordance with the provisions of this act

(a) Any person or persons firm corporation or association applying for the same under oath and in the form prescribed by the Secretary of Banking [Commissioner] and paying the sum of [fifty ($50)] one hundred ($100) dollars may in the discretion of the Secretary of Banking [Commissioner] except as hereinafter provided obtain a license for carrying on the said business The said license shall be issued by the Secretary of Banking [Commissioner] and shall expire the first day of June next following the date of its issuance but no abatement of said charge shall be made if licenses are issued for less than one year Every such license shall be renewed annually on the first day of June in each year No license shall be granted to any corporation unless and until such corporation shall in writing and in due form to be first approved by and filed by the Secretary of Banking [Commissioner] appoint an agent resident in the Commonwealth of Pennsylvania upon whom all judicial and other process or legal notice directed to such corporation may be served and in the case of the death removal from the Commonwealth or any legal disability or disqualification of any such agent service of such process or notice may be made upon the Secretary of Banking [Commissioner] The said [Commissioner] Secretary of Banking shall have the power to reject any application for license if he is satisfied that the financial responsibility experience character and general fitness of the applicant or applicants [is] are not such as to command confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act or if he is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted or if it shall appear to the Secretary of Banking that the business of the applicant is or is to be substantially that generally conducted by pawnbrokers the said [Commissioner] Secretary of Banking may upon the expiration of thirty (30) days written notice to the licensee forward by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license if the license shall violate any of the provisions of this act or if the license shall violate any rule or regulation made by the Secretary of Banking under and within the authority of this act or if the licensee shall fail to comply with any demand rule or regulation lawfully made by the Secretary of Banking under and within the authority of this act or if the

licensee shall fail to pay the cost of an examination by the Secretary of Banking or his authorized representative or if the licensee has failed to maintain in effect the bond required under the provisions of this act or if the licensee shall fail to file the annual report to the Secretary of Banking within the time stipulated in this act or if any fact or condition exists which if it had existed at the time of original application for such license clearly would have warranted the Secretary of Banking originally in refusing to issue such license Whenever the Secretary of Banking shall issue a notice of intention to revoke a license issued pursuant to this act the licensee may within ten (10) days of the date of such notice file with the Secretary of Banking an application for a hearing before the Department of Banking Upon receipt of such application the Secretary of Banking shall fix the time and place for such hearing After such hearing the Secretary of Banking may recall the notice of intention to revoke the license or he may after the expiration of thirty (30) days written notice to the licensee of such intention revoke the license Whenever the Secretary of Banking issues a notice of intention to revoke a license and the licensee does not file an application for a hearing before the Department of Banking as in this act provided or whenever the Secretary of Banking issues a notice of intention to revoke a license after a hearing before the Department of Banking the licensee may within the period of thirty days provided in the notice appeal from such action to the Court of Common Pleas of Dauphin County Whenever such license is revoked the [Commissioner] Secretary of Banking shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license and not at all if such licensee shall have been convicted of a violation of this act for a second offense under the provision of section six (6) thereof When a license is not renewed or when a license is surrendered or when a license has been revoked by the Secretary of Banking the licensee shall forfeit the privilege of granting new loans at interest permitted under this act and shall also forfeit the right to collect interest in excess of 6% per annum on outstanding loans In addition to said license fee said licensee shall pay for the examination by said Secretary of Banking [Commissioner] as hereinafter provided Every such applicant shall execute and file a bond to the Commonwealth of Pennsylvania in the penal sum of five thousand ($5,000) dollars with the Secretary of Banking [Commissioner] to be approved by him for the faithful observance of all laws relating to such business Said bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within the Commonwealth and such bond shall be renewed and refiled annually not later than the first day of June in each year

(b) The license shall state fully the name or names of the person persons partnership association or corporation [and of every member of the firm or association] authorized to do business thereunder and the location of the office or place of business in which the business is to be conducted [and in the case of a corporation shall also state the date and place of its incorporation the names of its directors for the period for which the license is issued and the name and address of the agent as provided in section one (1) of this act] Such license shall be kept posted in a conspicuous place in the office where the business is transacted No [person persons firm corporation or association so licensed] licensee shall transact or solicit business under any other name or at any other office or place of business than that named in the license Not more than one office or place of business shall be maintained under the same license and no loans or advancements shall be made applications received notes or contracts signed or payments received at any other place of business than that designated in the license But in case of a removal the Secretary of Banking [Commissioner] may on application indorse thereon a transfer to the new place of business with the date of transfer and from the time of such indorsement the new place so designated shall be deemed the place designated in the license A licensee shall not conduct the business of making loans under this act within any office room or place of business in which any other business is solicited or engaged in or in association or conjunction therewith except as may be authorized in writing by the Secretary of Banking

(c) The Secretary of Banking [Commissioner] shall either personally or by such person or persons as he may appoint for the purpose at least once a year and oftener if he deems it advisable investigate the business and affairs of every such licensee and for that purpose shall have free access to the vaults books and papers thereof and other sources of information with regard to the business of such licensee and shall ascertain the condition of the business and whether it has been transacted in accordance with the law and the rules and regulations lawfully made by the Secretary of Banking Said [Commissioner] Secretary of Banking and every examiner appointed by him shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination The cost of every such examination shall be paid by the licensee so examined and said [Commissioner] Secretary of Banking may maintain an action for the recovery of such costs in any court of competent jurisdiction

(d) The Secretary of Banking is hereby authorized and empowered to make general rules and regulations governing advertising of licensees contracts with borrowers computation of interest charges books records and accounts of licensees and treatment of collateral and he is further authorized and empowered to make specific demands rulings and requirements for the proper conduct of the business contemplated by this act and for the enforcement of this act which rules and regulations shall have the force and effect of law

(e) For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary of Banking or the examiners appointed by him may at any time investigate the business and examine the books accounts records and files used therein of every person persons partnership association or corporation who or which shall be engaged in the business of making loans or who or which shall advertise or offer to make loans whether such person shall act or claim to act as principal agent or broker or under or without the authority of this act For this purpose the Secretary of Banking shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

(f) The Secretary of Banking shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary of Banking has authority by this act to consider or investigate and for this purpose the Secretary of Banking may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary of Banking the Secretary of Banking may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such court shall thereupon issue an order requiring the person subpoened to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the court may be punished as for contempt of court

(g) Every person persons partnership association or corporation licensed under this act shall annually on or before the first day of March file a report with the Secretary of Banking giving such information as the Secretary of Banking may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by such licensee within this Commonwealth Such report shall be made under oath and shall be in the form prescribed by the Secretary of Banking

Section 2 Any person persons copartnership association or corporation who shall obtain a license in accordance with the provisions of section one of this act shall be

entitled to loan money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities at his their or its place of business for which said license is issued and to charge the borrowers thereof for its use or loan interest at a rate not to exceed three [and one-half (3½)] (3) per centum per month on that part of the unpaid principal balance of any loan not in excess of one hundred fifty ($150) dollars and two (2) per centum per month on any remainder of such unpaid principal balance In the case of loans made upon the security of tangible personal property physical possession of which is taken by the licensee the licensee shall not charge interest at a rate in excess of such rates as are provided for by the act approved the sixth day of April one thousand nine hundred and thirty-seven Number 51 (Pamphlet Laws) for loans of similar character or the rates provided by this act whichever are the lower provided however that in no event shall the rates charged exceed the rates provided by this act No licensee shall induce or permit any borrower to split up or divide any loan No licensee shall induce or permit any person nor any husband and wife jointly or severally to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section No fees fines or other charges either in addition to or as a part of the above specified interest shall be charged or collected under any pretext whatsoever

A contract for a loan under the provisions of this act shall not be made for a period in excess of eighteen (18) months Interest on the unpaid balances after eighteen (18) months be payable at the rate of six (6%) per centum per annum Interest shall not be payable in advance or compounded and shall be computed only on unpaid balances for the time that has elapsed at date of payment Whenever a judgment is entered after the enactment of this act following the expiration of contracts made prior to the enactment of this act interest shall be computed at the rate of six (6%) per centum per annum If interest in excess of that hereinbefore prescribed shall be received by any licensee the said licensee shall thereupon lose all his right to collect or receive the interest allowed under this act and shall be entitled to recover from the borrower only the amount actually loaned together with interest at the rate of six per centum per annum upon unpaid balances less any and all amounts already paid by the borrower on account of said loan either as principal or interest Any person borrowing money from any licensee under this act who shall be charged and pay any interest in excess of that prescribed and allowed by the provisions of this act shall be entitled to recover back from the lender by action at law begun at any time within two years from the date of the last payment any and all sums of money so charged and paid in excess of the amount of the original loan together with interest at the rate of six per centum per annum upon unpaid balances up to the date of final payment of said loan and in addition fifty ($50) dollars as a penalty to be paid to the borrower

Section 2 That sections four six and seven of said act are hereby amended to read as follows

Section 4 Wherever payment is made on account of a loan to which the provisions of this act shall apply the person receiving such payment shall when payment is made give to the person paying a receipt setting forth the amount then paid [the total amount previously paid] on account of interest if any the amount then paid on account of principal if any and the amount remaining due on principal identifying the instrument accompanying the loan to which the payment is to be applied

Section 6A Every person persons copartnership association or corporation licensed under this act or any partner director officer agent or member thereof who shall violate any provision of this act or shall direct or consent to such violation [or who shall lend money in sums of three hundred ($300) dollars or less and charge or receive for the loan or use thereof interest in excess of six per centum (6%) per annum without first having complied with the provisions of section one of this act] shall be guilty of a misdemeaner and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred ($500) dollars for the first offense and for each subsequent offense a like fine and to suffer imprisonment not to exceed six months or both in the discretion of the court

B Every person persons copartnership association or corporation or any partner director officer agent or member thereof who shall directly or indirectly as principal agent or broker by any device subterfuge or pretense whatsoever charge contract for or receive any interest discount fees fines charges or consideration greater than six per centum (6%) per annum upon the loan use or forbearance of money goods or things in action or upon the loan use or sale of credit of the amount or value of three hundred ($300) dollars or less without having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars or more than five thousand ($5,000) dollars or to suffer imprisonment of not less than six (6) months or more than three (3) years or both at the discretion of the court

C No loan of the amount or value of three hundred ($300) dollars or less for which interest discount fees charges or consideration greater than six per centum (6%) per annum has been charged contracted for or received except as authorized by this act wherever made shall be enforced in this Commonwealth and the borrower shall not be required to pay any principal interest or charges whatsoever This provision shall not apply to loans legally made in any state which then has in effect a regulatory small loan law similar in principal to this act

D The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale or assignment of or order for the payment of wages salary commissions or other compensation for services whether earned or to be earned shall for the purposes of regulation under this act be deemed a loan secured by such assignment and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall for the purpose of regulation under this act be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable Such transactions shall be governed by and subject to the provisions of this act

E The payment of three hundred ($300) dollars or less in money credit goods or things in action as consideration for any sale of real or personal property which is made on condition or agreement expressed or implied that such property be sold back at a greater price shall for the purpose of this act be deemed to be a loan secured by such property and the amount by which the repurchase price exceeds such original price actually paid shall be deemed interest or charges upon such loan from the date such original payment is made until the date such re-purchase price is paid Such transaction shall be governed by and subject to the provisions of this act

F When real or personal property is pledged as security on a loan of three hundred ($300) dollars or less and the lender requires the borrower to pay for insurance thereon or when the lender requires life insurance as a security to a loan of three hundred ($300) dollars or less such charge for insurance shall be construed as interest under this act when the lender has failed to have such insurance written by an insurance company legally authorized to conduct business in Pennsylvania When the amount charged for such insurance is in excess of the standard cost of similar insurance in other insurance companies legally authorized to conduct business in Pennsylvania the excess shall be construed as interest under this act

Section 7 This act shall not affect any [existing] laws of this Commonwealth special or general authorizing a charge for the loan of money in excess of interest at the legal rate and provided That this act shall not apply to any person persons partnership association or corporation operating under the laws relating to banks and trust companies trust companies private banks saving banks

national banking associations building and loan associations consumers discount companies or pawn-brokers

Section 3 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 4 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the report.

The yeas and nays were taken agreeably to the provisions of the Constiution, and were as follows, viz:

YEAS—45

Barthold,	Gelder,	Kunkel,	Rodgers,
Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Scarlett,
Chapman,	Heyburn,	McCreesh,	Shapiro,
Dando,	Homsher,	Mundy,	Sipe,
Deitrick,	Huffman,	Pierson,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM STATE EMERGENCY RELIEF BOARD

The PRESIDENT. The Chair presents to the Senate, in response to Senate Resolution, a report from the State Emergency Relief Board, with the names, salaries, etc. of all its employees. Persuant to custom, the report will be available for inspection in the office of the Secretary, and will be printed in the appendix of the Legislative Journal.

(For report see Appendix).

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 485, entitled:

An Act to reenact and amend the act, approved the seventh day of June, one thousand eight hundred and eighty-seven (P. L. 365), entitled "An act to encourage and authorize the formation of cooperative associations, productive and distributive by farmers, mechanics, laborers, or other persons," by extending and changing the provisions thereof.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. KUNKEL. Mr. President, I would like to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. KUNKEL. Mr. President, will the Senator from Indiana, Mr. Wolfenden, kindly state the purpose of these amendments?

Mr. WOLFENDEN. Mr. President, I want to vote for this bill, and before I vote for it I want to be sure that the cooperatives pay the same taxes as other corporations, and I have just inserted on page 3, a strike out amendment and added "not for profit", because this is a non-profit cooperative, and then specifically on page 25, I said, that these cooperatives pay the same taxes as other corporations. That is all these amendments do.

Mr. KUNKEL. Mr. President, if that is the case I object to these amendments because I think the bill as it now stands already places these cooperatives under any tax law in the same way as any other business enterprises or corporations may be placed. The original objections to the bill concerned the provision by which these cooperatives were exempted from taxation. In committee that exemption was stricken out; furthermore, the exemption of cooperatives from being controlled by the State Utilities Commission or the State Securities Commission was also taken out. This bill as it now stands is purely and simply a cooperative bill. Cooperatives are now subject to the same taxes as any other business enterprises and if we want to find out what taxes corporations pay, we do not go to the corporation, we go to the tax measure that imposes the tax on corporations. Now, cooperatives may be subjected to the same taxes that are imposed on corporations. My opinion would be that they would be subject to the Stock Transfer Tax, and they might even be subject to taxation under the Net Earnings Tax Law and the Stock Tax Law. However, those are judicial opinions, it is a matter of judicial interpretation, and we are here making laws, not interpreting laws. It seems to me that these amendments are entirely unnecessary, and It seems to me that Senator from Indiana, should be entirely satisfied with the bill as it now stands, without his special amendments.

The PRESIDENT. The Chair hears objection.

Mr. WOLFENDEN. Mr. President, the reason I put in these amendments is because the Capital Stock Tax is ambiguous in my opinion, on that point. It states:

"Every domestic corporation other than corporations of the first class and cooperative agricultural associations not having capital stock, and not conducted at a profit, and so on, shall not be subject to the tax."

Now, I do not know the judicial interpretation of that would-be, and to make sure that these cooperatives will come in on a fair basis, and to avoid any entanglements, these amendments are being offered, and I want to take this opportunity to compliment the sponsor of the bill on the provision he put in there.

POINT OF ORDER

Mr. LAW. Mr. President, I rise to a point or order.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his point of order.

Mr. LAW. Mr. President, the Senator from Indiana is speaking on the amendments, and in view of the objection, there is nothing before the Senate for action.

The PRESIDENT. The bill is before the Senate, not the amendments, and he is speaking on the bill.

Mr. KUNKEL. Mr. President, may I suggest to the Senator from Indiana that the proper way to have these amendments effective in law is to put his amendments in the tax imposing laws and not in this bill; in other words, he should amend the Capitol Stock Tax, the Net Earnings Tax, and the other tax laws.

Mr. WOLFENDEN. Mr. President, as I said, I want to compliment the sponsor of the bill for the protection he has thrown around these cooperatives. He has clothed them with the same protection that we give to the banks; in other words, it is a proposition that makes any one who gives out malicious and false reports subject to a fine. That is all right and I have no objection to that, but having given them this special protection, I do not think there should be any question of doubt that they should be subject to the taxes to which any other corporation is subjected. It is only declarative of the intention of the Senate.

MOTION TO RECONSIDER VOTE

Mr. WOLFENDEN. Mr. President, I move that the vote by which this bill passed second reading be reconsidered.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I suggest to the Senator from Indiana, that while his amendments may be excellent in this particular measure, he is creating a situation which will be unfair and will make for bad legislation. With this provision that he proposes to insert by means of reconsideration of the passage of this bill on second reading, that this particular kind of cooperative will be punished by attacks, whereas, cooperatives which had existed prior will be exempt from taxation under the previous tax act, I think the suggestion of the Senator from Dauphin is a proper one, that if we are to tax cooperatives they all should be taxed under a special act. The taxing authority given under the Act referred to by the Senator from Indiana, provides that when a cooperative is not a cooperative, which means when it makes profits it should be taxed, the theary being that those cooperatives that do not make profits are real cooperatives in the true sense of the word, and there never was a cooperative which could be properly called such if it made a profit. The intent of a cooperative is not to benefit and not for the purpose of making a profit, but more beneficial for the members of the cooperatives by way of purchases and distribution, and under these circumstances it seems to me it would be a bad law and a bad precedent to begin firing at the various kinds of cooperatives as they come up before the Legislature. I think, if the Senator will read the Act again very carefully he will find that this cooperative will be taxed to the extent on which it makes a profit. What this means is this: that not only will this corporation be taxed by the state laws and the federal profits tax, which amounts to 13½% but it will also be taxed by the Pennsylvania State Corporate Income Tax which amounts to 6% now, if the bill goes through reducing it from 10%.

Under these circumstances, I think we had better leave the situation as it is and attempt to make any modification we can in the law through a general tax act.

Mr. WOLFENDEN. Mr. President, I hesitate to draw out this discussion, but the Senator from Philadelphia, Mr. Shapiro, hit the nail right on the head. We are now launching out into a new kind of cooperatives; this is a new field. All cooperatives heretofore, have not been cooperatives in fact, the Members themselves of the Association share its profits with non-members, and I think that they should be thrown on the same competitive basis as other business. I repeat that I want to vote for this bill, and I see no reason why these amendments should not be incorporated in the Act, which, for the information of the Senator from Philadelphia, Mr. Shapiro, were drawn up by Mr. Fertig.

Mr. KUNKEL. Mr. President, I just want to make one other statement to dispell the misinformation in the mind of the Senator from Indiana, Mr. Wolfenden. A mere glance at the title of this bill shows that it is the re-enactment and an amendment to the law of 1889. Cooperatives existed under the Law of 1889, and have existed for decades, and when he said that this is new and experimental, he is absolutely misinformed concerning the entire subject.

Mr. WOODWARD. Mr. President, I would like to correct the misapprehension of the Senator from Indiana, Mr. Wolfenden, about non-members participating in which is called 'patron' dividends. They do not, is the answer, if they buy at the store, the store would pay the dividends, it is put in their reserve fund until such times as a reasonable amount accumulates, and amounts to the price of one share; he automatically then becomes a member, but he does not participate in the 'patron' dividends, and therefore, the Senator from Indiana is wrong.

And the question recurring.

Will the Senate agree to the motion?

It was not agreed to.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constiution, and were as follows, viz:

YEAS—43

Barthold,	Gilson,	Law,	Rodgers,
Bean,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deltrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Ealy,	Kilgallen,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Woodward,
Gelder,	Lanius,	Rice,	

NAYS—3

Frey,	Salus,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 504 (House Bill No. 915), entitled:

An Act authorizing the Department of Public Instruction to fix the annual expiration date for licenses and registration certificates for professions trades and occupations.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Sordoni,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Haluska,			

NAYS—10

Bean,	Homsher,	Salus,	Wolfenden,
Chapman,	Owlett,	Scarlett,	Woodward,
Deitrick,	Pierson,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with in formation that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 514, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gelder,	Kunkel,	Rodgers,
Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Scarlett,
Chapman,	Heyburn,	McCreesh,	Shapiro,
Dando,	Homsher,	Mundy,	Sipe,
Deitrick,	Huffman,	Pierson,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 561, on third reading, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. SHAPIRO. Mr. President, I call up for consideration at this time Senate Bill No. 1014, on third reading, on page 16 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1014 (House Bill No. 1358), entitled:

An Act abolishing the Municipal Court of Philadelphia, and transferring actions, books, records, documents and papers in the possession of said court to other courts of the County of Philadelphia.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator whether in his judgment this bill rips out of office the judges of the Municipal Court of Philadelphia?

Mr. SHAPIRO. Mr. President, the Supreme Court of Pennsylvania has the last guess on that.

Mr. OWLETT. Mr. President, I am asking the Senator from Philadelphia whether it is the intention of the sponsor of this bill by the passage of it to rip out the Municipal Court of Philadelphia, whether or not that is the intention of the bill?

Mr. SHAPIRO. Mr. President, the answer to that question is emphatically 'no'.

Mr. OWLETT. Mr. President, will the Senator from Philadelphia explain the object of the bill?

Mr. SHAPIRO. Mr. President, the purpose of this bill is to transfer jurisdiction of pending actions and records concerning pending actions from the Municipal Court to the Court of Common Pleas, in cases dealing with the civil and criminal jurisdiction of the court, which has already been transferred to the Courts of Common Pleas by previous legislation passed by this Senate.

Mr. OWLETT. Mr. President, I would like to ask the Senator, then, if the provisions of the Act which abolishes the Municipal Court of Philadelphia is surplusage.

Mr. SHAPIRO. Mr. President, that is not surplusage, the Court now has no jurisdiction as a Court with the passage of this last bill, it has no jurisdiction of any kind, and, therefore, in order to trasfer properly the jurisdiction of the Court and be sure that all cases are transferred to the Common Pleas Court, the jurisdiction of which previously vested in the Municipal Court, that is the answer.

Mr. OWLETT. Mr. President, I then want to call the attention of the Senate to the fact that this bill wipes out, or abolishes the Municipal Court of Philadelphia, that is, the 11 judges of that Court who were elected by the people of that City.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. BUCKMAN. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—28

Barthold,	Henney,	Law,	Rodgers,
Dando,	Jacobs,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kahle,	Mundy,	Sipe,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,	Rice,	Huffman,

NAYS—22

Bean,	Gelder,	Owlett,	Scarlett,
Buckman,	Haluska,	Pierson,	Sones,
Cavalcante,	Heyburn,	Reed,	Sordoni,
Chapman,	Homsher,	Rupp,	Wolfenden,
Deitrick,	Howell,	Salus,	Woodward,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. RICE. Mr. President, I call up for consideration at this time, Senate Bill No. 877, on page 12 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 877, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

MOTION TO PUT BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I move that this bill go over in its order until we have an oportunity to examine the report which we discussed earlier in today's session.

The PRESIDENT. Is there objection?

Mr. THOMPSON. Mr. President, I object.

MOTION TO PLACE BILL ON POSTPONED CALENDAR

Mr. CAVALCANTE. Mr. President, I move that this bill be placed on the postponed calendar until we have had an oportunity to examine the report.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Fayette state if it is not true that the information contained in the report has been furnished to the Senate, and is it not a fact that the report itself will be available by the end of the week, and possibly before that time we can have copies of that report.

Mr. CAVALCANTE. Mr. President, that is true, but I would like to have an opportunity to look at that report as soon as we adjourn today, as the bill may be acted upon tomorrow.

Mr. SHAPIRO. Mr. President, does the Senator from Fayette realize that there are only a few days left of this Session until adjournment, and that action may be delayed which might prevent passage of this Act.

Mr. CAVALCANTE. Mr. President, these bills have been in Committee for a sufficient time to be placed on the Calendar so that we would have been permitted to have an opportunity to examine them.

Mr. SHAPIRO. Mr. President, is the Senator from Fayette a member of the Welfare Committee?

Mr. CAVALCANTE. Mr. President, no.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Fayette, Mr. Cavalcante.

THE PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. THOMPSON. Mr. President, will the Senator from Fayette tell the Senate the nature of this bill.

Mr. CAVALCANTE. Mr. President, I think I can probably tell more about this bill than the sponsor can. Mr. President, this bill amends the Administration Code by a new Department of State, known as the State Department of Public Assistance, and another department known as the State Board of Assistance, and another State Board known as the State Employment Board, and it undertakes to give them duties and powers to administer matters that are now administered under existing laws, and what I mean by that is this: we have on the statute books of this Commonwealth laws that deal with the administration of relief to indigent persons in the various municipalities. They also have another body of laws that deal with Mother's Assistance; we also have a body of laws administering other forms of relief. Now, those laws are still on the statute books, yet this bill here now creates another department of state and prescribes its duties and powers and no law has been yet enacted upon by this body abolishing these other laws, and I say there is a diabolical scheme behind the sponsors of this bill in reporting this bill out which, in effect, putting it in popular language, means putting the cart before the horse. They are going to create a department of public assistance and then, after they have

done that, they will come around and ask us to abolish these boards. I say, if these gentlemen are fair and are sincere in their efforts, they should put these bills back in committee and report out of that committee those bills abolishing these boards. Let us fight it out on the floor of the Senate whether we want to abolish the boards or not, and after we have passed the bills abolishing these boards then we will consider this bill which creates a new state board to administer the functions and powers now administered by these local boards.

Mr. THOMPSON. Mr. President, while I did not ask in my interrogation to have the Senator from Fayette, Senator Cavalcante to make a speech, but I did want to ascertain from him what good it is going to be to postpone action on this bill and its companion bill, the bill following, in order to receive this information about which he speaks. If the Senator had read the companion bill which follows, and which, if he so desires, I will be glad to call up first, he will find in that bill the very repealers of which he is speaking. Mr. President, I would like to know whether the Senator has a choice between these two bills as to which one of the bills he wants to vote on first.

Mr. CAVALCANTE. Mr. President, both of these bills ought to be sent back to committee and the bills abolishing the poor boards, the mother's assistance boards and the other boards first acted upon, and after we have passed on these bills, then these other bills come logically in order.

Mr. THOMPSON. Mr. President, does the Senator know that neither of these bills have anything to do with the structure of the poor boards.

Mr. CAVALCANTE. Mr. President, but they do transfer the powers of the poor boards to this newly created board without first abolishing the poor boards.

Mr. THOMPSON. Mr. President, will the Senator point out in either of these bills where they do that?

Mr. CAVALCANTE. Mr. President, these are the bills presented by the Senator from Centre, Mr. Thompson, and I had trusted that he had read his own bills that pertain to the same subject.

Mr. THOMPSON. Mr. President, if the Senator will just point out those provisions to me. I think, Mr. President, the hesitancy of the Senator from Fayette indicates very definitely that the charges he makes cannot be substantiated by an examination of the bills. I say, if we are going to vote upon legislation of this sort, if we want to modernize our assistance, it is time to vote on these bills and dispose of them. There is nobody attempting to dictate anything to this Senate, in any manner, shape or form respecting legislation, or affecting the councils of any municipal body or any agency of this State Government. I do say this, Mr. President, along with other members of the Senate and the House, I sat for weeks and weeks at public hearings, I heard poor boards say that we should consolidate the agencies of assistance; I heard every class of persons of this Commonwealth who are interested in any way in welfare measures come in and ask what these two measures contain, and if the Senator from Fayette had taken the trouble, Mr. President, to make an examination and study these bills, I am confident, he would not make the charges he makes now and asserts on the floor of this Senate.

Mr. CAVALCANTE. Mr. President, will the Senator from Centre yield to an interrogation?

The PRESIDENT. Will the Senator from Centre, Mr. Thompson permit himself to be interrogated?

Mr. THOMPSON. Mr. President, gladly.

Mr. CAVALCANTE. Mr. President, I ask the Senator to turn to page 19, section 2502A of his own bill, and tell me what that means?

Mr. THOMPSON. Mr. President, may I ask the Senator from Fayette to repeat his interrogation?

Mr. CAVALCANTE. Mr. President, will the Senator from Centre explain section 2502A, on page 19 of the bill?

Mr. THOMPSON. Mr. President, for the information of the Senate, I will read the section to which the Senator from Fayette, Mr. Cavalcante, refers. The Senator might read it himself, but as I said I am not reading it for his information but I am reading it for the information of the Senate: "To administer and carry out the provisions of the Public Assistance Law and in so doing to supervise local boards and to allocate to them, on the bias of need, funds with which to provide assistance and funds for administrative expenses".

Now, it seems to me, that the language of that is simple enough for even the Senator from Fayette to comprehend its implication.

Mr. CAVALCANTE. Mr. President, no, the gentleman from Fayette knows nothing about any public assistance law because he has not been asked to vote upon any such law on the floor of the Senate, and that the Senator from Centre will appreciate from that that he is asking us to vote for a bill that infers that we are going to pass another law that we have not yet acted upon. How does the Senator from Centre, know that we are going to favorably pass the public assistance law.

Mr. THOMPSON. Mr. President, I asked the Senator from Fayette only a few moments ago if he had any preference as to which of these two bills he would rather vote on first, and I still say to the Senator from Fayette, if he would rather vote first on No. 883, and he will withdraw his motion, and the Senator from Washington will withdraw his second, I will be pleased to call up No. 883 and act on that bill.

Mr. CAVALCANTE. Mr. President, I would yield to the Senator from Centre, if the gentleman will call up first his bill that abolishes the poor boards and other local boards for our consideration.

Mr. THOMPSON. Mr. President, the request of the Senator, of course is impossible to be complied with, in view of the fact that the committee in charge of the bill to which the Senator refers has not reported the bill out for action by the Senate, and it is, of course, impossible to call that bill up, and the Senator knows that when he makes that request. Now, Mr. President, if the Senator will not try to confuse the Senate by referring to a bill that has no connection with these two bills, he can understand himself that these bills do not depend upon any action that this legislation wants to take upon this other bill to which he refers.

Mr. CAVALCANTE. Mr. President, will the Senator from Centre state whether the bill that is now up for action has any reference to the bills that are still in committee and that aim at the abolition of these local boards.

Mr. THOMPSON. Mr. President, I think if the Senator would take the trouble as I have stated before, to examine these bills, he will find that the two bills now on

the Calendar do not refer to nor have any dependence upon the poor board bill, which is still in committee, the systems are in no way connected, and the disposition of these bills is not in any wise hinged in any practical effect or unpractical effect upon any action that the House and Senate want to take in connection with this poor board bill.

Mr. CAVALCANTE. Mr. President, I would like to have the Senator from Centre, inform us if there is a bill introduced by him still in committee that abolishes the Mother's Assistance Boards?

Mr. THOMPSON. Mr. President, I say again, if the Senator from Fayette had read these two bills, he would find that the Mother's Assistance Boards in their present form are altered by the following bill, No. 883.

Mr. CAVALCANTE. Mr. President, does the Senator from Centre know that included in this bill which he has called up for action is a provision transferring the powers of the Mother's Assistance Boards, of the boards of trustees of the Pennsylvania Fund for the Blind, to the new board here, the board created by his bill, without first abolishing the Mother's Assistance Board and the Boards of Trustees of the Pennsylvania Fund for the Blind?

Mr. THOMPSON. Mr. President, the matters to which the Senator from Fayette, refers are not included in this bill, but are jointly in this bill and a companion bill, as I have insisted time and time again, and the companion bill which follows, Senate Bill No. 883, in which it is provided for the alteration of the Mother's Assistance Boards.

Mr. CAVALCANTE. Mr. President, in view of what the Senator from Centre has said, I still insist upon my motion that this bill be placed on the postponed calendar until the Committee on Welfare reports to the Senate these other companion bills that fit in with the scheme and design set up in this Senate Bill No. 877.

Mr. THOMPSON. Mr. President, the request of the Senator from Fayette is to the highest degree unfair in disposing of these two bills. These two bills probably less than any other phase of our assistance laws are non-controversial. As I say, I spent weeks and weeks in hearings and I have listened to every single interest in this State interested in Welfare matters who came before this joint legislative committee and asked for the consolidation of out-door assistance agencies, and it is unfair to the administration of that form of our State Government, it is unfair to this Legislature to hinge the disposition of this Legislation on the outcome of the Poor Board Bill. Now, Mr. President, I realize without the Senator from Fayette telling me, the peculiar interest that he has in retaining the organizations of poor boards in the counties which he represents. I do not quarrel with the Senator's opinion in that connection, he is entitled to that opinion, and, Mr. President, these two bills do not affect the poor board organizations in the county from which he comes. I say to you, Mr. President, that it has happened gratuitously that these bills have gotten on the Calendar without having some other bills being reported out. If I had had my choice, I would have had these bills presented to the Senate weeks ago for action and not hinged upon these other considerations, it has happened that these bills have come out, and I think properly so. The system provided in these two bills has nothing to do with the poor boards and should be divorced from it by the consideration of these bills, so, therefore, I ask that the motion of the Senator from Fayette be defeated so that we may act upon these two bills on their merits.

The yeas and nays were required by Mr. CAVALCANTE and Mr. REED and were as follows, viz:

YEAS—23

Bean,	Ealy,	Jacobs,	Salus,
Buckman,	Gelder.	Mallery,	Scarlett,
Cavalcante,	Haluska,	Owlett,	Sones,
Chapman,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Reed,	Woodward,
Dent,	Howell,	Rupp,	

NAYS—26

Barthold,	Huffman,	McCreesh,	Rodgers,
Dando,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Stiefel,
Gilson.	Lanius,	Rice,	Thompson,
Henney,	Law,		

So the question was determined in the negative.

And the question recurring

Shall the bill pass finally?

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President I ask unanimous consent that the bill go over in its order temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I move that the Senate do proceed to the consideration of Senate Bill No. 883.

Mr. THOMPSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeaby to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 883, entitled:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged presons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WOLFENDEN. Mr. President, the amendments

that I am about to offer to Senate Bill No. 883, I hope will not provoke much debate. The amendments that I am going to present, and I am asking unanimous consent, call for the Governor to appoint one more than a majority in each of the counties except the first and second class counties, where he will appoint four, and the county commissioners will appoint three, and in all of the first and second class counties they will have eleven members, the Governor will appoint six and the local taxing bodies five, and you can readily see that if the commissioners are not of one political party the set up in most counties, as a matter of fact, the Democrats would appoint five or six, and possibly six out of seven through my amendment, and I feel that the local bodies ought to have something to say about the running of this relief set-up. Therefore, I ask unanimous consent to offer the following amendments: amend sec. 5, page 5, line 17, by striking out the words "two members" and inserting in lieu thereof "one member"; amend sec. 5, page 5, lines 18 and 19, by striking out the words "two members" and inserting in lieu thereof "one member"; amend sec. 5, page 5, line 21, by striking out the word "three" and inserting in lieu thereof "two"; amend sec. 5, page 5, line 22, by inserting after the word "forty" the following: "and the county commissioners shall appoint one member to serve for the term ending December thirty-first, one thousand nine hundred and thirty-eight, one member to serve for the term ending December thirty-first, one thousand nine hundred and thirty-nine, and one member to serve for the term ending December thirty-first, one thousand nine hundred and forty"; amend sec. 5, page 5, line 24, by striking out the word "three" and inserting in lieu thereof "two"; amend sec. 5, line 26, by striking out the word "four" and inserting in lieu thereof "two"; amend sec. 5, page 5, lines 27 and 28, by striking out the word "four" and inserting in lieu thereof "two"; amend sec. 5, page 5, line 29, by inserting after the word "forty" the following: "and the tax levying body in counties of the first class, and the county commissioners in counties of the second class shall in like manner appoint one member to serve for the term ending December thirty-first, one thousand nine hundred and thirty-eight, two members to serve for the term ending December thirty-first, one thousand nine hundred and thirty-nine, and two members to serve for the term ending December thirty-first, one thousand nine hundred and forty"; amend sec. 5, page 6, line 2; by inserting after the word "appointment" the following: "by the appropriate appointing authority".

The PRESIDENT. Is there objection?

Mr. THOMPSON. Mr. President, I object to these amendments and I would like to state the grounds for my objection. I think if the Senator from Indiana would just stop to think of the nature of these amendments which create a board that is partly state and partly municipal, and the funds which would be administered by the boards as set up in this bill as it is on the calendar, come entirely from the state treasury. I think it would be to the highest degree unconstitutional to make this partly state and partly local. I think it would destroy the whole structure of the bill, and it is impracticable from the standpoint of drafting legislation.

The PRESIDENT. The Chair hears objection.

Mr. WOLFENDEN. Mr. President, I move that the vote by which this bill passed second reading be reconsidered.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for twenty Senators voted in the affirmative and twenty-nine in the negative. Whereupon the question was decided in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. MUNDY. Mr. President, I ask unanimous consent to amend page 3, section 4, clause (c), by striking out all of lines 15, 16, 17, 18 and 19.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Luzerne, Mr. Mundy.

The PRESIDENT. Will the Senator from Luzerne, Mr. Mundy, permit himself to be interrogated?

Mr. MUNDY. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I would like to have the Senator from Luzerne state for the information of the Senate just what effect the strike out amendments have on the bill as it is now written.

Mr. MUNDY. Mr. President, we want to bring this bill up to the form of the Administration Code, to have these checks, instead of being sent out by the various offices, to be sent out by the office of the State Treasurer.

The PRESIDENT. Is there objection? The Chair hears none. For the information of the Senate, these are strike out amendments and the bill can be considered on final passage.

On the question,

Shall the bill pass finally?

Mr. REED. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. REED. Mr. President, will the Senator from Centre tell the Senate in what respect this bill changes the administration of relief in the local communities?

Mr. THOMPSON. Mr. President, in answer to the interrogation of the Senator from Washington, Mr. Reed, I would say that the principal manner in which this bill changes the administration of relief in local communities is, in the first place, the organization of all forms of direct assistance as made in the county board, as it is created by this Act is such that all forms of assistance are under the same identical plans. The counties are relieved from the payment of all administration expenses in connection with the administration of mother's assistance, blind pension, and old age assistance and the bill is calculated to confer on the new board in the counties the duties of administration of direct relief. The county board as created by this bill has the power of the selection of its personnel and passes upon the eligibility of its applicants.

Mr. REED. Mr. President, the board which the Senator from Centre refers to, do the local authorities have any say in its appointments?

Mr. THOMPSON. Mr. President, under this bill the Governor in the same manner that he now appoints the Mother's Assistance Board appoints the members of the County Board as provided in this bill.

Mr. REED. Mr. President, how are the salaries of the executives and other employees fixed in this bill.

Mr. THOMPSON. Mr. President, under this bill and a

companion bill which was passed over, the salaries of all employees in the department of assistance and the local county boards are fixed in exactly the same manner that all other persons on the state payroll are fixed today, namely, by the Executive Board of the State, which is mainly comprised by the Governor's Cabinet.

Mr. REED. Mr. President, will the Senator tell us if the board has charge of out-door relief only.

Mr. THOMPSON. Mr. President, no, under this bill the board has charge of out-door relief as we know it under the existing law, mother's assistance, old age assistance and blind pensions.

Mr. REED. Mr. President, does this board have any power over determining the settlement of a person seeking relief in the local communities?

Mr. THOMPSON. Mr. President, I would say that this board has no power to determine the settlement of a person in the local community other than as it exists under the present law in this State. The settlement end is governed by another bill which is in the Committee on Welfare, and which is made up to conform to these two bills that are up for passage, but it does not change the substance of the present existing laws of the Commonwealth on the question of settlement.

Mr. REED. Mr. President, under this bill from whom does the local board derive its power and instruction?

Mr. THOMPSON. Mr. President, under this bill the local board possesses its own powers. These powers were enlarged by amendments that were put in the bill by the Senate Committee. To my mind the board as created has much broader powers in the bill today than the mother's assistance board has, and certainly much broader powers than any local county relief board has at the present time.

Mr. REED. Mr. President, does the board have power to make its own rules and regulations governing relief in local communities?

Mr. THOMPSON. Mr. President, it does.

Mr. WOODWARD. Mr. President, as the Senator from Centre is showing signs of fatigue, I would like to interrogate his coadjutor, the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. WOODWARD. Mr. President, I would like to ask the Senator from Allegheny, Mr. McGinnis, whether or not there is any civil service provision in this Act.

Mr. McGINNIS. Mr. President, yes.

Mr. WOODWARD. Mr. President, a very good civil service provision?

Mr. McGINNIS. Mr. President, yes, very good.

Mr. WOODWARD. Mr. President, I would like to ask if the administration costs are entirely on the State, or whether the county participates in the costs of administration?

Mr. McGINNIS. Mr. President, I will leave the answer to this question to my colleague, Senator Thompson.

Mr. WOODWARD. Mr. President, I thought he was fatigued. The question is, in my opinion administration costs ought to be borne by the county.

Mr. THOMPSON. Mr. President, in answer to the interrogation of the distinguished Senator from Philadelphia, I will say that all administration costs under this bill are borne by the Commonwealth.

Mr. WOODWARD. Mr. President, that is very bad.

Mr. CAVALCANTE. Mr. President, in answer to the interrogation of the Senator from Washington, Mr. Reed, the Senator from Centre, Mr. Thompson, stated that the local boards had the power to make rules and regulations governing the administration of relief in the counties. Now, I had assumed that the Senator knew his bill well, but under the heading "Powers and Duties of County Boards", we find this "to approve or disapprove rules, regulations and standards consistent with law proposed by the Department of Public Assistance." I imagine that the Senator from Centre regards that as giving the local boards authority to make their own rules and regulations.

Mr. THOMPSON. Mr. President, I reiterate that the Senator from Fayette has neglected to read the bill. If he will read the bill, page 7, clause g, he will find the working of the bill as follows: * * * "to make recommendation to the Department of Assistance as to the standards of assistance and to set up under the law and to promulgate rules and regulations as to the nature, extent and eligibility therefor."

Mr. CAVALCANTE. Mr. President, to make recommendations of this kind, but is there anything in the bill which says that the recommendations of the board will be accepted?

Mr. THOMPSON. Mr. President, again I read, the words are: "to set up under the law and promulgate rules and regulations as to the nature and extent of assistance and eligibility therefor.

Mr. CAVALCANTE. Mr. President, on page 2241 of the Senate Journal when this bill was introduced by the Senator from Centre, he arose to a question of personal privilege and in so doing made this statement:

"Mr. President, I have here a number of bills, which I am about to introduce, pertaining to the problem of relief and assistance legislation. These bills, as may be observed from the covers, have the blessing, so to speak, of the Administration. This morning they were before the Joint Legislative Committee on Relief for hurried consideration, and while the committee at that time did not want to indicate their approval or disapproval of any one of them, because they have not been before the committee for close inspection, the committee did want the bills introduced, in order that they might be printed and distributed to those interested."

At the first Special Session of 1936, the Assembly passed a joint concurrent resolution, introduced by the Senator from Centre, Mr. Thompson, in which the first "Whereas" clause, it read as follows:

"Whereas a centralized administration of relief is unsuited in some respects to a protected program of dealing with the consequences of unemployment."

Then, further in the resolution, in the first "Resolved" clause, it reads as follows:

"Resolved (if the House of Representatives concur) That the President, pro tempore of the Senate appoint three Senators and the Speaker of the House of Representatives appoint three members of the House of Representatives to serve as a committee whose duty it shall be to prepare a plan of permanent administration of unemployment relief, which plan shall coordinate the activities of the Commonwealth and its municipal subdivisions, and to draft legislation which incorporates such

plan, or plans and to report the same to the regular session of the Legislature in 1937."

At the end of the resolution the third "Resolved" clause is as follows:

"Resolved That the Senate and House of Representatives will appropriate the sum of Five Thousand Dollars ($5,000.00) to pay the expenses of the Committee in prosecuting its study of such legislation, the summoning of witnesses, postage, secretarial and clerical hire, the attendance of members at meetings and other expenses."

Now, Mr. President, I ask the Senator from Centre, Mr. Thompson, in view of all that, I would ask the Senator whether he still thinks we ought to act upon that bill before that Joint Legislative Committee makes a report to the Senate so that we may study the report and see what recommendations they make.

Mr. THOMPSON. Mr. President, I do not hesitate to answer the interrogation of the Senator from Fayette, Mr. Cavalcante. Mr. President, as this Senate well knows, this Joint Legislative Committee appointed in pursuance to this resolution was appointed from the old House and from the old Senate, and being appointed as it was, it contained two Republican members of the Senate and one Democratic member of the Senate, and two Democratic members and one Republican member of the House. The personnel of this Committee was divided evenly 3-3. We held meeting after meeting. I requested the members of this committee to propose legislation in this, that or the other, and we held meeting after meeting and we were simply divided 3-3 on every question, and in order to conform to the mandate of this resolution it became incumbent upon someone of the committee to offer legislation affecting the duties of the committee, and that is what I did. I have not seen any member of the committee in this Senate introduce any other bills affecting this matter. Mr. President, it is not important at all whose bill affecting matters of this kind passes the Assembly; that is not the important feature. The important feature is that we do as a duty what this Commonwealth demands, a coordinating of these forms of assistance activities, that we get away from this jig-saw puzzle of organization which has been brought about and has impeded the satisfactory administration of assistance in all forms of relief in this Commonwealth, namely, this system of local contribution, and I say to you, Mr. President, these bills do exactly what the Senator from Fayette says they do not do; in other words, they localize the administration of direct relief, something that has never been done in this State since the State Emergency Relief Board was created. They coordinate the various forms of public assistance, which I said in meeting after meeting, and hearing after hearing, of this joint legislative committee. We had witnesses from every element of this Commonwealth come before the Committee and plead with us to consolidate these assistance activities and to localize direct relief, and I do not care who is prompting the Senator from Fayette, when he is making his interrogations.

Mr. CAVALCANTE. Mr. President, I will tell the Senator from Centre that I am not being prompted by anyone. After reading the bills and having studied the Goodrich plan, I know whereof I speak. Will the Senator from Centre state, since he has told us that these bills have the blessings of the administration, so to speak, how much of the Goodrich plan is contained in his scheme or design here set up in these bills.

Mr. THOMPSON. Mr. President, the Goodrich plan is such that I must confess that I do not know much about it. I listened to the testimony of Dean Goodrich and the other members of his committee and others on the floor of this Senate one Tuesday night, just the same as any other member of the Senate could have done if he had come to the public hearing. Further than that I do not know anything about the Goodrich plan. If the Goodrich plan recommends consolidation of assistance activities in this state, as every other element and all Poor Boards asked for it—the Association of Poor Directors came before a meeting in the Senate Caucus and asked for consolidation of assistance activities—if the Goodrich Commission asks for this, and it is right, I would not hesitate to be for it because the Goodrich Commission asks for it. After all there may be something right about the Goodrich plan. I say, Mr. President, that these bills are nobody's plan excepting the plan of those who have worked on it, not only the sponsor, but the balance of the members who have worked on that in the Senate Committee.

Mr. CAVALCANTE. Mr. President, do these bills contain in any wise a recommendation that resulted in the expenditure of this $5,000.00, to the Committee of which the Senator from Centre is Chairman?

Mr. THOMPSON. Mr. President, yes, they do, and if the Senator from Fayette would take the time to read some of the testimony to which I refer him, I mean the direct testimony and the remarks of the different persons as to what we need in the relief distribution in this State, he can see where the expenditures of this committee went.

Mr. CAVALCANTE. Mr. President, is this bill intended to abolish the Poor Board Homes?

Mr. THOMPSON. Mr. President, this bill has nothing to do with the poor board homes.

Mr. CAVALCANTE. Mr. President, does it take any powers and duties away from the directors of the poor in any counties?

Mr. THOMPSON. Mr. President, yes, it takes away from the poor directors the administration of outdoor relief, or is calculated to do so. We believe, Mr. President, that the people in the different counties and the different poor districts will not mind having the burden of $6,000,000.00 worth of taxes every year taken from their shoulders.

Mr. CAVALCANTE. Mr. President, who employs and fires, or dismisses the employees of the county boards under this bill?

Mr. THOMPSON. Mr. President, the county boards do that.

Mr. CAVALCANTE. Mr. President, I would recommend that the Senator from Centre read his own bills; he will change his opinion about that.

Mr. THOMPSON. Mr. President, it is perfectly obvious that the Senator from Fayette and myself do not see the same things in this bill, and I do not believe there is any necessity of quibbling over it.

The PRESIDENT. So that you finally have agreed?

Mr. CAVALCANTE. Mr. President, I presume that since this bill creates a county board and gives the Governor the power to appoint with the advice and con-

sent of the Senate—two-thirds of the members of the Senate—that the removal of these officers will have to follow the same course. I have been wondering since the bill does not say anything about removal, that if we should brand one of the appointees, who must serve without compensation, with embezzling a few of the funds and misappropriating them, or violating some of the provisions of the Act, I would like to just pause for a moment to inquire of the members of this Senate whether they find in the bill a provision that makes it unlawful for the boards to do that, or if they do violate any of the provisions of the Act, since it does not make it unlawful and there is no penalty involved, how are we going to get rid of those members of the boards? There is no provision made and no penalties provided. The salaries of the employees of the board are not fixed by the local boards, but they are fixed by a board here in Harrisburg, under a bill that is companionate to this bill, and not yet acted upon by this Senate.

This bill here contains provisions relating to other matters in other bills now pending in this Senate, and if we have some good sense and good judgment and defeat the other bills, this bill we are acting upon now will confuse the whole system of administrating relief. This bill, as we have quite often tried here, is intended to wipe out the poor houses, yet it does no such thing. Notwithstanding that no other bill introduced by the Senator from Centre does that; it merely takes away from the poor boards the clean relief, the outdoor relief and puts it in the hands of professional debutante welfare workers just out of schools, and the dirty work, the institutional work, the work of taking care of indigent people who cannot help themselves, the men and women who are beyond the age of employment and have to go to the poor houses. These pink tea debutantes do not care much about these people, they are not so much interested about putting them under the Department of Public Assistance, but under the guise, under the ruse here that they are going to abolish the poor boards, they strip away from the poor boards the outdoor relief and abolish the boards and put the same institutions in the hands of the county commissioners, because, as the Senator from Centre believes, it will be removed from politics by giving it to the county commissioners. The property of the poor directors, including the county home, is given over to the county commissioners under the same law, the same poor board law that we have in force now and reenacted in these bills, giving the commissioners power to maintain and keep these poor houses, levying taxes, and incurring indebtedness, and the only addition that the Senator from Centre includes in his bill is that when the county commissioners want to do any such things as that, they must first get the permission from the Department of Welfare here in Harrisburg. But it does not abolish the county home, it preserves it, it gives it to the county commissioners, and they conduct the poor houses, and almshouses and dispensaries. These interests have been with us for centuries and centuries and they cannot be abolished, and common sense and judgment indicates that we cannot abolish these institutions, because we are going to have aged and those who will become to old to work and who have no home to live in, who will go out into the streets, and we must take them into the county home, which will always be with us; but this group of social workers, and I am indeed sorry that the Senator from Centre has precipitated and yielded to their movements in this State, they have directed all their efforts to abolish the poor boards, because the poor boards have stood like the rock of Gibraltar against the employing of them on the poor boards or under the poor boards; and now this comes under this bill, the changing of the name poor house, changing this name to 'institution'; that is all this bill does. All of these bills pertain to the same subject; they merely change the name 'poor house' to 'county institution,' and then in another provision they have in mind taking it out of politics by taking it from the poor directors and giving it over to the county commissioners, and the burden of maintaining the institutions with their local taxes, is still their's, as is the work of handling the indigent people; and the clean work, the outdoor relief, is turned over to social workers, who have formed their organization and who control this administrative work from Washington, D. C., and have taken it away from the counties, and this bill is aimed at preserving the dynasty of these people, whether the Senator from Centre likes it or not. It is incorporated into, as recommended by the report of the Goodrich Committee, and it is absolutely devoid of anything that was brought out before the joint legislative committee created by this Act of Assembly, and for which we intrusted the Senator from Centre and his committee, the sum of $5,000 of taxpayers money. That committee, under this resolution, was to report at this 1937 Session with specific recommendations on this subject, and now the Senator from Centre comes along and introduces the Goodrich plan here, and I do not know when he intends, as chairman of this joint legislative committee, to render to us a report of the committee which was appointed under this resolution.

Mr. THOMPSON. Mr. President, may I again remind the Senator that he is still talking about a bill that is still in committee.

Mr. SHAPIRO. Mr. President, this is a very important subject to Philadelphia, at least, and I think to all the counties of the State, and I think we should drop our personal feelings in considering the matter and remember that this involves a great many people in the State of Pennsylvania. I should like to just review for a moment, if I may, what these bills really do, so that none of us will be confused by the statement of the gentleman from Fayette and others.

I want to say at the start, if the gentleman from Fayette wants to know what happened to the Goodrich Plan, I can say to him if he had been on that committee and worked last night, he would have found that we took the 'rich' out and kept the 'Good' in.

We find two bills on the Calendar today, one of them was first on the Calendar and set up an administrative code, so that there may be created a Board of Public Assistance instead of a Department of Welfare and the Department of Public Assistance is necessarily in the first bill, and in addition to the Department of Public Assistance a State Department of Public Assistance, to supervise and have control over both the Public Assistance Department and the local boards.

Senate Bill No. 883 is a bill which prescribes and creates and sets up the Department of Public Assistance, and provides a method for liquidating various agencies for dis-

tributing the various forms of relief in the different counties.

Now, there are two major problems involved in this general plan and the most difficult one to decide is the plan which involves the administration of the poor boards, and that is subject to a great many controversial and conflicting problems. There are communities which join together in one poor board, some of them, all of them have paid toward the construction and maintenance of poor houses and anyone who wants to approach this problem properly knows that it would be unwise to confuse both these problems in one bill, and so in dealing with the subject the sponsors of these bills have separated them so that an intelligent and proper approach may be made to each individual problem, separately and distinctly. From what the Senator from Fayette has said,—I feel that he has said it in all sincerity,—has tended merely to confuse the picture, and I propose, if I may, to again suggest what these two bills do, and upon which bills we are about to vote. When we received the two bills in question and established the particular set up as we believed in the theory of centralization of the distribution of all forms of relief, but the control which was given to the local boards did not satisfy the boards or the members of the committee. The bill provided for a State Assistance Department and a State control over the State Assistance Department, but it gave a set up by way of local boards chosen by the Governor. It also provided that a department of Public Assistance shall take over most of the members, and most of the present employees of the Welfare Department in the local communities who were employed under the Emergency Relief and Mothers' Assistance Funds. In order to establish more control in the local boards, the provision to which the Senator from Fayette referred, which originally was that the local boards should have the right to establish, with the approval of the State Board of Public Assistance, rules and regulations and standards consistent with law as to eligibility for assistance and as to its nature and extent as provided by law. The committee came to the conclusion that with regard to the standard of assistance the State rightly should control those, because the State was paying the money, and it would be necessary for the State to determine what standards should be set up, measured by the appropriation allocated by this legislature to the particular board, and in order to determine eligibility, and the extent of the assistance we felt that the local board, knowing local conditions, was best fitted and best suited to determine that question, and we felt that the bill in its then form did not give any control, or not enough to the local members and made them merely rubber stamps, and we think that a careful reading of the demands which were made in the Committee will convince those members of this Senate who want to approach this problem fairly and without bias, that we have accomplished a real control in the local board, so far as it is possible, if not so far as is necessary, and it reads now "To establish with the approval of the State Board of Assistance, standards consistent with law for assistance is the function of the State Board, but the function of the local board is to establish rules and regulations for assistance and the nature and the extent of the assistance. and when it came to the question of the employment, we felt the new board should not be saddled with what the Senator from Fayette erroneously called the union of Social Service Workers, we eliminated from this bill the provision which permits them to take over these employees wholesale, and also eliminated from the provisions of the bill the section which gives them the right to choose themselves who were dropped from the roll by non-competitive examination. Answering the Senator from Philadelphia, Dr. Woodward, there is a set up in this bill a provision for civil service, perhaps not as good a one as can be set up. There is a board of three appointed with a salary. They are appointed by the Governor with the advice and consent of the Senate, and they set up qualifications and these men may hold examinations. The local boards are given the right to appoint provisionally from the locality in which they are functioning, employees until the rules and regulations and qualifications for the examinations have been made and the examinations held, and the bill provides that by January 1, 1938 there shall be no further provisional appointments, but appointees must be chosen from the list as the qualifications are set up and as the result of the examination shows, and we think, so far as can be for the present and with the knowledge and experience that we have so far, we have made a step forward in the right direction to install civil service and break down the throttle hold which some of these social service workers had upon the Welfare Department as well as the Emergency Relief.

The second and only controversial question about which there should be no argument at this time, and which should not be confused with these two bills is the question of the poor boards. Certainly the outdoor relief, under any system of public assistance, must come in under the Public Assistance Department, but the administration of institutions for incurables and for mental defectives certainly does not come under public assistance where the county has the poor boards. Eventually it may be that another system may be worked out, but with a million of dollars that each community has separately invested in poor boards it would be unfair that they should at this time be taken over by the State, which is in no condition to make compensation to the localities for those institutions. Therefore, there is a third bill, which deals with the problem of first class cities and counties, and attempts to make provision for the condition that exists in each one of those municipalities. The bill did not come out because in committee it developed that there were one or two counties which may not be properly provided for by that bill, and that is being studied by a sub-committee for the purpose of making such corrections as are necessary, and then to be reported to this floor.

It seems to me that if we mean to be fair and honest about the proposition which confronts us, we must be fair in the attempt to solve the problem, and we should approach it without intending to confuse the poor boards with these two bills, which are of such vital importance, and I suggest to the members of this Senate that if these bills have been read carefully in the long time that they have been on the Calendar,—if not on the Calendar at least on the desks, that the members should have taken the trouble to read these amendments, and there were many of them inserted. Last week I explained the three major amendments made, and you will find that there was no one in the Senate who believed in the centralized distribution of administration of the various forms of re-

lief. Again I suggest, a plan which will more nearly solve the problem on that basis—I am unwilling and unable to say now whether in the long run the centralization of this relief problem is better than local—one thing is certain, every local community is so poor and burdened with taxes at this time that the taking from their shoulders of a six per cent administration cost of administrating a fund involving $150,000,000 at least which means $9,000,000 in the local community, is a step forward in relief to the local communities and everyone must know that in any particular cities the administration of our relief cannot be entrusted to them.

I take great pride in my city, but I do not allow my pride in my city to carry me away with my reason and permit me to ignore those defects that exist in the city. Every Senator from Philadelphia knows that the City of Philadelphia has wholly neglected to take care of its relief problem, so much so that the Commonwealth of Pennsylvania has spent at least $600,000 every year since the Emergency Relief Board was created to take care of people who were not properly termed, and could not be termed unemployable, but unemployable who normally should be on the poor boards shoulders and shows that the community has been supported by the State to a complete extent in Philadelphia and in Pittsburgh.

At the last session of the legislature there was an attempt to throw the burden of Philadelphia unemployed upon the City and the Mayor came here in great alarm because he knew very well that the addition of $50,000 upon the City of Philadelphia to support these unemployables could not be carried out. In addition to that the administration of five or six different methods of relief in five or six different offices should be stopped, and this bill permits each person who comes for relief to a local and central office to be directed into that department of the one office to which he belongs. The man who is unemployed or unemployable can be characterized and designated and directed by that board, something which cannot be done now, and I suggest, Mr. President, that when the members of the Senate want to do their duty in this respect they should consider this bill on this basis, and these two bills passed.

Mr. DENT. Mr. President, I have listened with a great deal of interest and I want to say that I am very thankful for one revelation that has come about. I have always been suspicious of high sounding names and commissions with large appropriations, and I think this Senate and the people of Pennsylvania ought to take note of the men entrusted with the legislative duties of Pennsylvania. Here we have a joint committee with an appropriation of $50,000, and although the committee is made up of two parties with different interests and different views they will come forth with a direct recommendation for this Senate to take into consideration, whereas, another commission, namely the Goodrich, which is supposed to have spent approximately $85,000, leaves us nothing and gives us nothing. As I said before, I have been suspicious for many years of these high salaried commissions taking $50,000 or $100,000 to study problems which are probably the duties and within the province of the legislature, and which commissions should not be created. I think, as I listened to all that was said here, that the duties can be handled by the Senate and the House, and I want to compliment the chairman of the joint legislative committee for coming forth with such a noble program at this time for the relief of the citizens of Pennsylvania.

Mr. GELDER. Mr. President, in view of the remarks made by the Senator from Westmoreland, Mr. Dent, I feel that it is incumbent upon me as a member of the commission, which we have heard so much about, and which was appointed in the last Special Session to say a few words. Our Chairman, the Senator from Centre, Mr. Thompson, sometimes deals in half truths that are rather misleading. He has told you that the commission that was appointed—first, he tried to tell you that it was a Republican commission, with four Republicans and two Democrats. Then he qualified that when one of the members of the Senate near him said "no, no", and he then said it was equally divided between three Republicans and three Democrats, which is the truth. There were two Democratic members from the House and one Republican member, and two Republican members and one Democratic member from the Senate. The commission was instituted first because of a resolution which was introduced by the Senator from Centre. He appeared to be very anxious to study this relief problem, and there was no member of that commission more zealous than the Senator from Centre in probing the worth of the so-called social workers, and no Senator made more public declarations in which he seemed to view with alarm the trend of welfare work, than those expressed by the Chairman of that committee. Now, when the Senator says that the Commission was divided along political lines, I want to say that is not a fact. Time and again the House members came over and wanted to know why that commission could not meet, and felt that there should be a report, and they were referred to the Chairman of the Committee. Twice, I think, the Chairman called meetings during the Session, and both times on a Tuesday morning, at 8:30 o'clock. All the members of the Senate know what that means; there was not a full attendance of that committee. Then, much to the surprise of the members of the committee he called a meeting of the committee at a time on a little more reasonable basis, and he had these pink covered bills which indicated, as he said in his talk on February 7th, had the blessing of the administration. Of the four members of the committee who were present at that time, three were Democrats.

POINT OF ORDER

Mr. KUNKEL. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Dauphin, Mr. Kunkel, will state his point of order.

Mr. KUNKEL. Mr. President, the Senator from Susquehanna, Mr. Gelder, is discussing the actions, meetings, and conduct of the legislative committee and is not talking on the bill.

The PRESIDENT. That is true, but we have already gone far afield. The Senator from Susquehanna will confine himself to the bill.

Mr. GELDER. Mr. President, when the Senator from Centre suggested that he would introduce these bills, the impression of that committee, the majority of whom were Democrats, was that the Senator from Centre, Mr. Thompson would introduce them, and it was the thought that those bills would be given at least the blessing of the members of the committee, and they told him if he introduced these bills, and that they did not carry with

them the approval of the committee, so, following the remarks of the Senator from Centre on the seventh day of April, I feel called upon to say to the Senate: "it having been impossible for some of the members of the committee studying relief to hear just what the Senator from Centre, Mr. Thompson, said, we would like it understood that they are not in any way the act of the committee, because the committee has not had an opportunity to read those bills, and there has been no action by the committee. I think, perhaps, the Senator made that plain, but we were not able to hear what he had to say. The committee did not, as a committee, direct him to introduce the bills."

Furthermore, Mr. President, the chairman of that commission has said that no bills had been introduced by any members of the committee. Bills have been introduced on that subject by members of the committee and are now in the committees of the House. They were introduced by Democratic members of the committee. Other bills which are very much more in keeping with the ideas of the majority of that committee are in Senate committees, but I simply want to make it clear to the members of this Senate that if there is any reason why that committee has not enlightened you on the subject, it is not the fault of the majority of the committee, and neither was this committee at first divided on political lines. I say that the majority of the members of that committee are not in favor with the idea of the Goodrich report.

Mr. WOODWARD. Mr. President, I promise to take only two minutes to come to the rescue of the Governor. It seems to be left to a Republican Senator to come to the rescue of the Governor. I refer to a meeting in the Governor's office last week, I think, when the Senator from York, Mr. Lanius, and his friends, appeared protesting against the combining of the blind pension with all the other beneficiaries in this set up of Senate Bill No. 873. I sent an agent to listen in at the conference and the agent reported to me that Dr. DeSchweinitz then and there, because the Governor promised to the Senator from York, Mr. Lanius, to prevent the very thing that happened to Senate Bill No. 883, namely, lumping the blind pension fund with all the other beneficiaries. Pensioners of the blind fund are perfectly satisfied with the present arrangement and protested to the Governor, and the Governor stated at his meeting that he would support them in defiance of this Goodrich Plan. I, therefore, think it is inspiring to know what the Governor's views are, if nothing more.

Mr. CAVALCANTE. Mr. President, I was interested in the remarks of the Senator from Philadelphia, Mr. Shapiro, because it comes from a first class city. In his statement he mentions the fact that he was interested very much on behalf of Philadelphia. In looking over some of the provisions of this set of bills, in one of them, under definitions, we find this: County means every county in this Commonwealth except a county of the first class. I do not know how many there are, but the record shows that there is only one county and that is Philadelphia County. "Counties shall not be deemed to exclude territories within any city of the second class." Therefore, the Pittsburgh delegation is well taken care of. "Independent poor district is a poor district which is not of equal terminus with the counties, but shall not be construed to apply to a poor district of a county of the second class, or city of the second class," making doubly sure that Pittsburgh would not be included under the provisions of this mill. After defining municipalities, "means any city except a city of the first class and second class".

Now I appeal to the members of this Senate who come from the rural counties, that when they have studied these bills as carefully as I have, and a few others, they will see that these bills set Pittsburgh and Philadelphia aside and then give the Department of Public Assistance here, created in Harrisburg, the complete domination, it wipes out all vestige of home rule in the administration in the rural counties, but retains the principle of home rule in the cities of the first and second class. And then in addition to that we who come from those rural districts know and know positively the Department of Welfare is dominated at this very day by appointees from those two centres of this Commonwealth, the City of Philadelphia, and the City of Pittsburgh, so that this set up, after having excluded the cities of the first class and the cities of the second class, there remains no form of legislation for rural counties of this Commonwealth, then the Department of Public Assistance as appointed under this bill have to be dominated by Philadelphia.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his point of order.

Mr. SHAPIRO. Mr. President, my point of order is that the Senator from Fayette is not speaking on Bill 883. I am quite sure he is speaking on the poor board bill. Mr. President, I insist on my point of order. The Senator from Fayette is not speaking on bill No. 883.

The PRESIDENT. The Senator from Fayette will confine himself to the bill.

Mr. CAVALCANTE. Mr. President, may I interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I would like to ask the Senator from Philadelphia if this is the bill that does contain those definitions, as part of the design of which this bill 883 is a part?

Mr. SHAPIRO. Mr. President, that is not correct, and the bill that you are reading from does cover second class cities and merely makes provisions for that. It creates county institutions for counties and creates city institutions for cities, the only difference being the method of appointment, because of the difference in the local form of Government.

Mr. CAVALCANTE. Mr. President, in the cities home rule is maintained, and the cities make their own regulations and all that, and we who come from rural counties must be under the domination created by the Senators from Philadelphia and Pittsburgh to dominate the rest of the state.

Mr. SHAPIRO. Mr. President, if that is an interrogation, my answer is that it is not so.

Mr. EALY. Mr. President, I am a member of the joint legislative committee. The Chairman of this committee, the Senator from Centre to my knowledge, has not called a meeting of this committee within the last month. In reiteration of what the Senator from Susquehanna, Mr.

Gelder, has said, I feel that perhaps five of the committee are absolutely opposed to this system which is advocated in these bills. Leaving aside all of these bills, this is a part of the scheme for the centralization of relief. There were eight bills in the original Goodrich Plan, as introduced into this Senate, and they all together fit in dovetail and we cannot, as the Senator from Fayette has said, intelligently discuss these piece-meal, they all are part of the same general scheme, to centralize this administration of relief. Now, today I received a resolution adopted by the State Convention of the Pennsylvania Federation of Democratic Women. It is not often that I can find anything in the activities of this organization to approve, but here is one which I do approve heartily. They say that

Whereas, the bills introduced at the request of the Goodrich Committee would centralize or control relief and assistance in Harrisburg; and

Whereas, the intention of these bills is to place control of all assistance and relief in the hands of one person in Harrisburg, and whereas, it has not been proven that these bills, because of the greatly increased personnel, will tend to concentrate political control; therefore, be it

Resolved, "That we the Pennsylvania Federation of Democratic Women, in convention assembled at Williamsport, May 16, 17th, 1937, go on record as favoring the retention of local control in matters of relief and assistance."

I heartily agree with that. This so-called Goodrich Committee, according to some figures which I have here, have spent over $80,000 in trying to propagandize this plan over the state. A large amount of that money was contributed by the Commonwealth of Pennsylvania, and there was, as I understand, $6500 of that money taken from the community chest of Philadelphia to enlist support of this proposition throughout the Commonwealth. There was an almost total absence of enthusiasm for the plan, despite the great efforts which were put forth, and this result, of course, should have been anticipated. I cannot understand the real purpose of these eight bills which were introduced here into this legislature, altogether being called the Goodrich Plan. Surely it is not intended to lessen the amount of money which was to be spent for relief, and we all know how that was accomplished, and if we do not cut down and lessen this and put this plan on a better basis, everybody will be involved in the same financial ruin. He seems to be very innocent of the bureaucratic government, if he thinks the establishment of a new department in the bill, with all this swivel chair machinery that goes with it, will lessen this cost of relief. The only thing I can see from this is either to keep the greatest number of people on relief, in order to obtain more political control, or else the system is so strongly established that no one has the courage to break it.

Now there are bills in this session of the legislature that will take care of this thing in the proper manner, a bill introduced by the Senator from York, one introduced by the Senator from Philadelphia, and bills introduced in the House. I can propose a system which will give local control, which, I think would be much better, if the Chairman of the joint legislative committee can get this committee together, they could make a recommendation which would put this administration of relief on its proper basis. A part of this system is the outlawing of the so-called poor board system. I do not care what name you call it by, but the poor board system is not outmoded, it is based on sound principle and that is the reason it has lasted for all these years. Until you go back to the principles and fundamentals of administrative relief, you are going to have this load go up and up and up, until all are burdened so much with taxes for relief that we will all be involved in a common ruin. I say that this bill ought to be held over until we have the whole picture; if that is not done then it should be voted down.

Mr. REED. Mr. President, I want to congratulate the Senator from Centre for the masterful way in which he has defended his bill, but I cannot agree with him in all he states in his interpretation of them. I believe, from the reading of the bill, that this plan will tend to centralize the relief instead of localizing relief. The bill that I have before me is Bill No. 877. In that bill, where it provides for the powers and duties of the Department of Public Assistance and the State Board, you will find this language;" Powers and duties of the Department of Public Assistance. "To administer and carry out the provisions of the Public Assistance Law and in so doing to supervise local boards and to allocate to them on the basis of need funds with which to provide assistance and funds for administrative expenses."

And further, in speaking of the powers given to the State Boards, on the same page 19, "To establish with the approval or disapproval rules, regulations and standards consistent with law, proposed by the Department of Public Assistance to local boards as to eligibility or assistance and as to its nature and extent is provided by law."

Now, I argue that those provisions throw back to the local community the almost complete control of this big problem, and if that is so then I further say that this problem of relief under such a system will grow in our local community instead of decrease. Ever since I have been in this body, Mr. President, I have given much thought to this question of relief. I have always maintained that it must not be permitted to grow to such an extent that it will ruin the initiative that is imbedded in every young man and every young woman that is born in this great Republic. I have always maintained that this system can be best controlled by submitting it to the control of the local community. I have consistently adhered to that rule in my voting since I have been in this chamber, and I propose to do that today when these bills come up for final action. This is not a matter of politics, it is a matter that lies deep in my mind as to the future of this great Republic. I still maintain that relief left to man uncontrolled will destroy the ambition that exists in every American boy and every American girl born in this great nation. We cannot permit this great system of relief to grow to such an extent. We must control it and I have said many times that the way to control a system is by putting it in the control of our local people. I come from a rural section, where relief generally is frowned down upon. Our people do not want to give relief where relief is not needed; our people do want to give relief where it is definitely needed. Now that is the big problem, it is an American problem, it is a problem that concerns us all, and as has been said here today, no subject before this body should be given more careful consideration, more serious consideration than the subject that we have before us at this time, and I say in closing that the members here should carefully

consider every phase of these Government bills, because they are in a measure linked together and you cannot separate the one from the other in this big problem. We want to do what is best for the people of this State, and in so doing let us carefully consider these measures and go over every part of each bill, because they are all very important. I propose to follow out my past action in this Senate and vote against these bills.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Rice,	Huffman,
Gilson,	Lanius,	Rodgers,	Woodward,
Haluska,	Law,		

NAYS—19

Bean,	Ealy,	Mallery,	Salus,
Buckman,	Gelder,	Owlett,	Scarlett,
Cavalcante,	Homsher,	Pierson,	Sones,
Chapman,	Howell,	Reed,	Wolfenden,
Deitrick,	Jacobs,	Rupp,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. RICE. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 877.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Rodgers,	Huffman,
Haluska,	Law,		

NAYS—19

Bean,	Ealy,	Mallery,	Salus,
Buckman,	Gelder,	Owlett,	Scarlett,
Cavalcante,	Homsher,	Pierson,	Sones,
Chapman,	Howell,	Reed,	Wolfenden,
Deitrick,	Jacobs,	Rupp,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. RICE. Mr. President, I call up at this time for consideration Senate Bill No. 782, on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 782, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined", by consolidating the Pennsylvania State Police and the State Highway Patrol, and their powers and duties, into one agency to be known as the Pennsylvania Motor Police, and establishing as part of such agency a Motor Police Force; and making provision for the number, selection, qualifications, promotion, training and discipline of the members of such force.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. RUPP. Mr. President, and members of the Senate, before we rush hurriedly over this bill and the next bills that cover the same subject, I want to first warn all the members of this body that this and the other bills call for the merger of these Highway Patrol with the State Police.

The Committee that handled these bills had a public hearing some time ago, at which time the interested citizens of the State of Pennsylvania clearly and convincingly presented their arguments as to why these bills should not be enacted into law, and they showed very clearly what would happen, not only as to the inefficiency of the State Highway Patrol but the State Police as well. We heard former members of the State Police testify at that hearing what, in their opinion, these bills would affect, how they would affect the State Police. In addition to that, we heard from the various Motor Associations in the State of Pennsylvania how this would amount to nothing more, pure and simple, than another diversion of our motor tax.

There is no reason that I have heard given by any proponents of these bills why the motorists of Pennsylvania should once more be called upon to support the State Police, why he should once more be called upon to contribute out of his gasoline tax for another function of our State Government. The motorist today has borne the greatest part of the relief burden. He is paying in many ways, in small amounts, for the Department of Aeronautics, for other departments from which he, the motorist, derives no immediate benefit. Here once more he is called upon to make another contribution, which has no association whatsoever to his use of our Highways. Just last week the Senate passed an amendment to the Constitution, which I proposed, that prevented the diversion of tax paid by the motorist that was dedicated to the construction, maintainence of highways, bridges, etc., in the State of Pennsylvania. That they passed. We cannot be consistent this afternoon if we vote for a diversion of these motor funds, and I ask the Senators in

this body to defeat this bill and the other bills covering the same subject.

Mr. GELDER. Mr. President, the bill on consideration is a companion bill to Senate Bill No. 770, and as one without the other would be useless. So that the members of the Senate would know what they are doing and how they are endangering the motor funds, if they pass this series of legislation, I want to read to the Senate a letter from Thomas H. MacDonald, Chief of the Bureau of Public Roads of the United States Department of Agriculture, at Washington, D. C., which was written on the date of April 12, 1937. He says:

"Receipt is acknowledged of your letter of April 7 enclosing a copy of Senate Bill 770 which proposes to consolidate the Pennsylvania State Police and the State Highway Patrol and finance the new organization entirely from the motor license fund.

"You call attention to the fact that heretofore the State Highway Patrol has been supported by continuing appropriations from the motor license fund while the Pennsylvania State Police has been supported by a specific appropriation from the general fund. You, therefore, inquire whether the proposed consolidation of the two forces to be financed entirely from the motor license fund will constitute a diversion of highway revenues under Section 12 of the Hayden-Cartwright Act. You point out that this new organization is proposed to be maintained by an unlimited appropriation from the motor license fund now estimated to amount to about six and a quarter million dollars.

"It is our judgment that should the pending bill be enacted in its present form it would have to be held as constituting a diversion of the highway revenues derived from special taxes on motor vehicle owners and operators."

Very truly yours,

Mr. President, not only because we perhaps are faced by losing a considerable amount of money received from the Federal Government for highway purposes should this bill be defeated, but I believe with the Senator from Lehigh, that there is no reason for this consolidation at this time. In the early stages of the Highway Patrol it was a part of the State Police, and the legislature saw fit to support the two. The functions of the two organizations are entirely different; one is the ferreting out of crimes and to keep the general peace, the other is to maintain safety on the highways, and I contend that the Motor Patrol does its best job when, instead of seeing how many arrests it can make, it sees how many times it can caution those who are exceeding the speed limit, and keep safety on the highways. When we merge these two bodies, we are going to have jealousy within the organization, we are going to upset the status of some of those who have rights in the two organizations at the present time, and there appears to be no real reason for the bill, and there has been no call, that I know, from the general public to have it. I have been pointed out in the hearing recently held, everybody that appeared there, outside of the administration, are opposed to the bill. I think we will act wisely if we vote down this and the other measures.

Mr. McGINNIS. Mr. President, these bills, as I see it, are in line with modern tendency of government, to combine duties that are similar under one head. There has been a demand in Pennsylvania for a number of years, especially from the motorists and motor clubs, that our highway patrol was not sufficient, that it ought to be bettered. There were petitions and we have heard the discussion throughout the State, of both motorists and motor clubs that are interested in our highways and the safety of our highways, that today we do not have half enough highway patrolmen on the highways. As I understand it the Highway Patrol and the State Police are about equally divided in this state, but the State Police were able to handle conditions at its peak. In other words, we have a force that handles the situation in this State under the worst conditions. Therefore we have a State Police that is only working a part of the time, a great deal of the time our State Police are kept up in barracks doing nothing, in waiting for a call. When they ought to go on a call they travel our highways. I cannot tell the difference between a State Policemen and a Highway Patrolmen on the Highways. They are all good looking men, smart men, I want to say this, above the average police force in the State, that is above the police forces of the municipalities. I think they are both a credit to the State of Pennsylvania and I feel that it would be a good thing to have the State Policemen given the authority that when they go out on the highways—and they travel the highways a great deal, travel over the same roads that our Highway Patrolmen travel,—that while they are out on those duties they should have the same power, and when they are not on the highways that they can be called out and do highway patrol work, instead of loafing around the barracks. When there are emergencies they can be called out under these bills, as they were under the old, to meet any emergency. In the state of New York they have this combined force and it is working very satisfactorily. I see no reason why these two forces should not be combined. Now I have heard that these men are trained, the State police are trained in crime detection and the Highway Patrolmen are trained in traffic violation and I cannot see why both bodies cannot be trained in both. I cannot see why a highway patrolman cannot be made a crime detector and he is traveling over the road great distances most of the time. I can see no harm in giving him the power of a state policeman, I can see no harm in giving the power of a state policeman the power of a patrolman; therefore, I feel that in the interest of economy, in the interest of consolidation and supervision and of more highway patrolmen on the highways, on account of the accidents that have gotten to be a great problem, these bills should pass.

Mr. REED. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Frey.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit himself to be interrogated.

Mr. FREY. Mr. President, I will.

Mr. REED. Mr. President, I would like to ask the Senator from Allegheny, Mr. Frey, how much money is to be appropriated from the Motor License Fund under the companion bill 770.

Mr. FREY. Mr. President, in the neighborhood of three million dollars.

Mr. BUCKMAN. Mr. President, I presume all the members of the Senate know the effect of the passage of this series of bills upon our Highway Fund. I presume

most all of us know that there is such a bill known as the Hayden-Cartwright Act of June 19, 1934, which very clearly provides that any diversion of Motor License Fund, Gasoline Tax Fund by the various states from the laws then existing will bring down upon the heads of those states a penalty of losing one-third of our federal appropriation, I do not have the exact figures before me of what these bills will cost us in the way of loss of Highway Funds, but I am told it is in the neighborhood of nine million dollars for two years. Do we want to go ahead and force these merger bills and divert the motor funds for the purpose of supporting crime detection under the state police and therefore have visited upon us the penalties provided by the Hayden-Cartwright Act of losing our federal appropriation to the extent, as near as I can find out, of about nine million dollars in two years? That is what I call penny wise and pound foolish. Now there is no reason whatsoever why these bills should pass and I think it is in the interest of the people of this state and the public in general that these bills should all be defeated.

Mr. McGINNIS. Mr. President, I am advised by the Secretary of Highways, who has had a number of conferences, having had a conference only yesterday with the Federal Administration, after going on the figures and the entire situation in this state, he has assured the Secretary of Highways that there will be no penalties if there is a merger of the Motor funds for this purpose, for this reason that nearly a million dollars that have been collected in funds for violation of the highway regulation that is not strictly a motor fund. In the State of Pennsylvania we have collected a gasoline tax, which has gone into the motor fund, from drug stores, farmers, from aeroplanes, and used in highway construction, cleaners and dyers, which has satisfied the authorities at Washington do not belong in the motor fund. Therefore, the federal government has assured the Secretary of Highways and this administration that there would be no penalties because of diversion of funds if these bills were passed.

Mr. WOODWARD. Mr. President, this is not centralization, but this is consolidation, and I would like to see it followed out further by the creation of a department of conservation in forest and waters, game and fish. I used to drive around the State and in certain places I would see on one side of the street Highway Patrol and pretty near on the other side of the street there would be a State Police Headquarters. I wondered why we should have the expense of the two like that and I put in bills here in 1929, 1931 and 1933 to do this very same thing. I simply want to congratulate the Democratic Administration in doing what I have so long tried to do.

Mr. GELDER. Mr. President, I would like to interrogate the Senator from Allegheny, Senator McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, certainly.

Mr. GELDER. Mr. President, the Senator from Allegheny, Mr. McGinnis informs us that he cannot tell the difference between a state policeman and a motor patrolman, notwithstanding he says that the one is dressed in a certain way and the other one has a State uniform. I would like to ask the Senator from Allegheny whether or not he can tell the difference between a game warden and a fish warden.

Mr. McGINNIS. Mr. President, I cannot.

Mr. GELDER. Mr. President, then I would like to ask the Senator from Allegheny whether or not if the consolidation of these two bodies were a good thing it would not be well to go farther than these bills and follow the suggestion of the Senator from Philadelphia now and incorporate the game warden and fish warden and all those with the forests and waters.

Mr. McGINNIS. Mr. President, we can do that by a separate bill. I do not think the game and fish wardens ought to be in the Highway Patrol and Highway Police.

Mr. GELDER. Mr. President, will the Senator from Allegheny, Mr. McGinnis, promise that he will introduce such a bill?

Mr. McGINNIS. Mr. President, if the Senator from Susquehanna, Mr. Gelder, will introduce such a bill as that I will vote for it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Henney,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Kunkel,	Rice,	Woodward,
Haluska,	Law,	Rodgers,	Huffman,

NAYS—19

Bean,	Gelder,	Mallery,	Salus,
Buckman,	Heyburn,	Owlett,	Scarlett,
Cavalcante,	Homsher,	Pierson,	Sones,
Chapman,	Jacobs,	Reed,	Wolfenden,
Ealy,	Lanius,	Rupp,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

Mr. RICE. Mr. President, I call up at this time the companion bills, one of which we have just passed, Senate Bill No. 769, on page 9 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 769, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 414), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Henney,	Law,	Rodgers,
Dando,	Howell,	McCreesh,	Ruth,
DiSilvestro,	Huffman,	McGinnis,	Shapiro,
Eroe,	Jaspan,	Mundy,	Sipe,
Frey,	Kahle,	Pytko,	Stiefel,
Gilson,	Kilgallen,	Rankin,	Thompson,
Haluska,	Kunkel,	Rice,	Woodward,

NAYS—17

Bean,	Gelder,	Lanius,	Reed,
Buckman,	Heyburn,	Mallery,	Scarlett,
Cavalcante,	Homsher,	Owlett,	Sones,
Chapman,	Jacobs,	Pierson,	Wolfenden,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. RICE. Mr. President, I call up Senate Bill No. 770, on page 9 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 770, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand forty-six), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Barthold,	Henney,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Kunkel,	Rice,	Woodward,
Haluska,	Law,	Rodgers,	

NAYS—18

Bean,	Gelder,	Lanius,	Reed,
Buckman,	Heyburn,	Mallery,	Scarlett,
Cavalcante,	Homsher,	Owlett,	Sones,
Chapman,	Huffman,	Pierson,	Wolfenden,
Ealy,	Jacobs,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 784, on page 10 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 784, entitled:

An Act to amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, one thousand three hundred fourteen), entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation", by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Haluska,	Law,	Rodgers,
Dando,	Henney,	McCreesh,	Ruth,
Dent,	Howell,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Kunkel,	Rice,	Woodward,

NAYS—17

Bean,	Gelder,	Lanius,	Rupp,
Buckman,	Heyburn,	Mallery,	Scarlett,
Cavalcante,	Homsher,	Owlett,	Sones,
Chapman,	Jacobs,	Reed,	Wolfenden,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. RICE. Mr. President, I now call up Senate Bill No. 886, on page 13 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 886, entitled:

An Act to amend the title and certain sections of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 450), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstances of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Gilson,	Law,	Rodgers,
Bean,	Haluska,	McCreesh,	Ruth,
Dando,	Henney,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Rice,	Woodward,

NAYS—18

Buckman,	Gelder,	Mallery,	Salus,
Cavalcante,	Heyburn,	Owlett,	Scarlett,
Chapman,	Homsher,	Reed,	Sones,
Deitrick,	Jacobs,	Rupp,	Wolfenden,
Ealy,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 887, on page 13 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 887, entitled:

An Act to further amend sections two, four and six, and to amend section seven of the act, approved the seventh day of May, one thousand nine hundred twenty-three (Pamphlet Laws, one hundred fifty-one), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Barthold,	Haluska,	McCreesh,	Rodgers,
Dando,	Henney,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Gilson,	Law,		

NAYS—18

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Reed,	Sones,
Cavalcante,	Homsher,	Rupp,	Wolfenden,
Chapman,	Jacobs,	Salus,	Woodward,
Deitrick,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 758, on page 9 of the calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 758, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty-three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by further requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility and further regulating insurance policies which may be accepted as proof of financial responsibility imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth imposing further duties upon owners and operators of vehicles providing exceptions imposing duties upon insurers and upon brokers agents or representatives of insurers providing for the payment of judgments in installments prescribing additional penalties and adding new sections

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two six seven eight ten eleven thirteen fifteen sixteen and seventeen of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty-three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" are hereby amended to read as follows

Section 1 Definitions Throughout this act unless the context indicates a different intention the singular includes the plural and the masculine pronoun includes the feminine and the neuter

As used in this act

(a) "Secretary" means the Secretary of Revenue of this Commonwealth

(b) "Motor vehicle" means any self-propelled device in upon or by which any person or property is or may be transported or drawn upon a public highway except tractors power shovels road rollers agricultural machinery and vehicles which move upon or are guided by a track or trolley or travel through the air

(c) "Motor vehicle liability policy" means a policy of liability insurance designating by explicit description or appropriate reference all motor vehicles with respect to which coverage is intended to be granted by said policy and insuring to the amounts or limits hereinafter specified the person named therein and any other person using or responsible for the use of any such motor vehicles with the consent express or implied of such insured against loss from the liability imposed by law upon the insured or upon such other person for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or of his employes or other agents arising out of the ownership maintenance use or operation of any such vehicle within the continental limits of the United States of America or the Dominion of Canada or a binder pending the issuance of such a policy or an endorsement to an existing policy as hereinafter provided Within the meaning of this definition separate concurrent policies whether issued by one or several insurers covering respectively personal injury or death as aforesaid and prop-

erty damage as aforesaid shall be deemed a "Motor Vehicle Liability Policy"

(d) "Motor vehicle operators' policy" means a policy of liability insurance insuring the person named therein to the amounts or limits hereinafter specified against loss from the liability imposed by law upon the insured for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or of his employes or other agents arising out of the operation by the insured of any motor vehicle within the continental limits of the United States of America or the Dominion of Canada or a binder pending the issuance of any such policy or an endorsement to an existing policy as hereinafter provided Within the meaning of this definition separate concurrent policies whether issued by one or several insurers covering respectively personal injury or death as aforesaid and property damage as aforesaid shall be deemed a "Motor Vehicle Operators' Policy"

(e) "Operator" means the person including a chauffeur in actual physical control of a motor vehicle upon a highway

(f) "Operator's license" means the license issued to any person to operate a motor vehicle within this State

(g) "Owner" has the same meaning as in the laws requiring the registration of motor vehicles within this State

(h) "Person" means a natural person firm copartnership association or corporation

(i) "Proof of financial responsibility" means evidence in a form authorized by this act of ability to respond in damages resulting from the operation or ownership of a motor vehicle and arising by reason of personal injury to or death of any one person in the amount of at least five thousand dollars ($5,000) and subject to such limit for any one person injured or killed in an amount of at least ten thousand dollars ($10,000) for injury to or the death of two or more persons in any one accident and for damage to property in the amount of at least one thousand dollars ($1,000) resulting from any one accident

Section 2 Evidence of Ability to Respond in Damages For the purposes of this act the following will be deemed evidence of ability to respond in damages

(a) When proof of financial responsibility is required as a condition precedent to the granting of renewal of an operator's license or to the termination of the suspension thereof the written certificate of an insurer duly authorized to transact business within the state or residence of the person applying for such license or seeking to terminate the suspension thereof that it has issued to him or for his benefit a motor vehicle operator's policy or a motor vehicle liability policy which at the date of the certificate is in full force and effect and will so continue until the expiration of fifteen days after notice of expiration or cancellation shall first have been given to the secretary in writing

(b) When proof of financial responsibility is required of an owner of a motor vehicle as a condition precedent to the registration thereof or to the termination of the suspension of such registration the written certificate of an insurer duly authorized to transact business within the state of residence of the person applying for such registration or for the termination of the suspension thereof that it has issued to him or for his benefit a motor vehicle liability policy which at the date of the certificate is in full force and ecect and will so continue until the expiration of fifteen days after notice of expiration or cancellation shall first have been given to the secretary in writing The secretary shall not accept any such certificate unless all motor vehicles registered in the name of the owner from whom proof is required are covered by the policies mentioned in such certificate or in it and other similar certificates furnished at the same time and an additional certificate shall be required as a condition precedent to the registration in the name of such owner of any motor vehicle not covered by the certificate or certificates on file

(c) In any case a bond conditioned for the payment of the amounts herein required for injury to or the death of persons and damage to property arising out of the ownership maintenance use or operation by the principal of a motor vehicle within the continental limits of the United States of America or the Dominion of Canada having as surety a corporation duly authorized to transact a surety business within the state of residence of the person applying for an operator's license the registration of a motor vehicle or the termination of the suspension of such license or registration Any such bond shall expressly provide that it shall not be cancellable until the expiration of fifteen days' written notice to the secretary, and shall designate the State as obligee but shall expressly provide that suit may be brought against the principal or surety named therein by any person or persons who may have a cause of action against the principal obligor for damages resulting from a motor vehicle accident in the event that the principal obligor does not within fifteen days from the time the judgment becomes final pay within the limits hereinbefore specified any final judgment entered against him for damages substained as the result of such accident

(d) In any case the deposit with the secretary of the sum of eleven thousand dollars ($11,000) in cash which the secretary shall turn over to the State Treasurer as custodian and which the secretary shall employ in paying within the limits hereinbefore specified any final judgment or judgments which may be entered against the depositor for injury to or the death of persons and damage to property arising out of the ownership maintenance use or operation by the depositor subsequent to the date of the deposit of a motor vehicle within the continental limits of the United States of America or the Dominion of Canada Interest on money deposited hereunder shall be paid to the depositor at the highest rate which the State receives on its deposits payment to be made out of moneys from time to time appropriated for the purpose

Section 6 Insurance Policies Must Contain Certain Provisions to Constitute Proof of Financial Responsibility, Binders Endorsements Insurance policies in order to constitute proof of financial responsibility under this act shall be subject to the provisions hereinafter stated and any insurance carrier which executes a certificate that it has issued a motor vehicle operator's policy or a motor vehicle liability policy for the purpose of enabling any person to furnish proof of financial responsibility hereunder shall be conclusively presumed to have issued the policy mentioned in such certificate subject to such provisions whether or not they are set forth therein

(a) Should an execution on a final judgment against the insured in an action covered by a motor vehicle operator's policy or motor vehicle liability policy be returned unsatisfied the judgment creditor shall have a right of action against the insurer to the same extent that the insured would have had such insured paid such final judgment No such policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after such loss or damage has occurred and any such cancellation or annullment shall be void The policy may provide that the insured or any other person covered by the policy shall reimburse the insurer for payments made on account of any accident claim or suit involving a breach of the terms provisions or conditions of the policy and further if the policy shall provide for limits in excess of the limits designated in this act the insurer may plead against a judgment creditor of the insured with respect to the amount of such excess limits of liability and defenses which it may be entitled to plead against the insured Any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance

(b) The policy the written application therefor if any and any rider or endorsement which shall not conflict with the provisions of this act shall constitute the entire contract between the parties

(c) The insurer shall upon the request of the insured deliver to the insured for filing or at the request of the insured shall file direct with the secretary an appro-

priate certificate for the purpose of furnishing proof of the assured's financial responsibility as provided by this act

(d) Any insurer authorized to issue motor vehicle operator's policies or motor vehicle liability policies as provided in this act may pending the issuance of such a policy execute an agreement to be known as a binder or may in lieu of such policy issue an endorsement to an existing policy each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy The provisions of this section shall apply to such binders and endorsements

(e) This act shall not be construed to prevent any insurance carrier from getting any lawful coverage in excess of or in addition to the coverage required by this act as proof of financial responsibility or from embodying in such policy any agreements provisions or stipulations not contrary to the provisions of this act and not otherwise unlawful

Section 7 Proof of Financial Responsibility Required When Operator's License or Operating Privilege Has Been Revoked or Suspended or Become Subject to Revocation or Suspension Whenever the secretary shall revoke or suspend [an] the operators license of a resident or shall suspend the operating privilege of a non-resident [for violation of the laws regulating the operation of motor vehicles on the highways as may now or hereafter be provided by law] under the mandatory provisions of any law now in effect or hereafter enacted such license or operating privilege shall not be renewed unless and until the former holder of the license or privilege has furnished proof of financial responsibility and whenever the secretary shall in the exercise of his discretion revoke or suspend the operator's license of a resident or the operating privilege of a non-resident or whenever the secretary [for any such violation] has the right in his discretion to revoke or suspend an operator's license of a resident or the operating privilege of a nonresident but is disposed in the exercise of his discretion not to do so [he may nevertheless suspend such license or operating privilege until the holder thereof has furnished proof of financial responsibility] he may require the former holder of the license or operating privilege to furnish proof of financial responsibility before such license or operating privilege shall be renewed or reinstated or continued

Section 8 Proof of Financial Responsibility Required as Condition Precedent to Issuance or Renewal of Operators' Licenses to Persons Having Certain Accident Record Penalty (a) Until proof of financial responsibility has been furnished to the secretary an operator's license shall not be issued or renewed to a person who within any twelve months' period while operating a motor vehicle either within or outside of this State had [two] one or more accidents caused wholly or partially by his negligence which caused injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by such person amounting in the aggregate to more than [two] one hundred dollars [($200)] ($100) except that where an operator by his negligence has caused one (1) or more accidents within any twelve (12) months period resulting in injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by himself amounting in the aggregate to more than one hundred ($100) dollars and such operator or other person or insurer has paid all the claims arising from such accidents then such operator shall be exempt from the provisions of this section The amount of damages caused by accidents in which the applicant was involved will be deemed to have been the amounts paid in settlement of claims of other persons or judgments obtained by such other persons

Section 10 Penalty for Failure to Furnish Correct Accident Record Any person who [knowingly] fails to give correctly the information required of him by the secretary in connection with an application for the issuance or re-renewal of an operator's license shall be ineligible to operate a motor vehicle within this State for a period of two years from the date when the secretary ascertains that the information was not correctly given If such person at that date holds an operator's license it shall forthwith be revoked and shall not be renewed under any circumstances until the two-year period has expired If such person does not hold an operator's license such license shall not be issued to him until the expiration of the two-year period Upon the expiration of the two-year period such person shall not receive an operator's license until he has furnished proof of financial responsibility

Section 11 Proof of Financial Responsibility Required of Persons Who Fail to Satisfy Judgments Arising Out of Motor Vehicle Accidents Operator's License and Registration Certificates to Be Suspended Until Satisfaction of Judgment If within twenty days after it has been recorded any person fails to satisfy and judgment rendered against him by a court of competent jurisdiction in this or any other State or the District of Columbia or any province of the Dominion of Canada or by a District Court of the United States for damages on account of personal injury or of damage to property in excess of Five Dollars and thirty-three cents ($5.33) [two hundred dollars ($200)] resulting from the operation subsequent to the effective date of this act by him his agent or any other person with his express or implied consent of a motor vehicle owned by him or the operation by him or his agent of a motor vehicle not owned by him his operator's license and all of his registration certicates shall be forthwith suspended by the secretary upon receiving a certified copy of such final judgment from the court in which the same was rendered and shall remain suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents

If such person is not a resident of this State he shall not be permitted to operate any motor vehicle in this State and it shall not be lawful for any other person knowing that such operation is not permitted to operate in this State any motor vehicle owned by such nonresident while such judgment remains unsatisfied and subsisting and until such nonresident has furnished proof of financial responsibility for future accidents

If any such person has satisfied such judgment within the meaning of this act and has furnished proof of financial responsibility any other such judgment shall be recovered against him for any accident occurring before such proof was furnished his operator's license and registration certificates shall again be and remain suspended while such other judgment remains unsatisfied and subsisting

Section 13 Courts to Certify Motor Vehicle Accident Judgments to Secretary of Revenue Secretary to Forward Certificates to Proper Officer of Other State if Debtor Is Nonresident Penalty (a) It shall be the duty of the prothonotary or clerk of any court of the State in which any judgment for damages resulting from the operation of a motor vehicle is rendered to forward immediately to the secretary a certified copy of such judgment or a transcript thereof and the address of the judgment creditor and debtor

(b) In the event the defendant is a nonresident it shall be the duty of the secretary to transmit to the Commissioner of Motor Vehicles or other proper officer of the state of which the defendant is a resident a certified copy of such judgment

(c) Any person who violates any of the provisions of subsection (a) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) and not more than five hundred dollars ($500) or by imprisonment of not less than six (6) months and not more than three (3) years or both in the discretion of the court

Section 15 Suspension of Operator's License or Registration Certificates upon Cancellation of Insurance or Surety Bond Whenever the secretary is notified of the cancellation of [a] any policy of insurance mentioned in a certificate furnished as evidence of ability to respond in damages or of a surety bond furnished as such evidence he shall forthwith suspend the operator's license and registration certificates if any in connection with the issuance

continuance or renewal of which such evidence was furnished or policy of insurance continued and such cancellation shall remain effective until other proof of financial responsibility has been furnished to the secretary

Section 16 Proof of Financial Responsibility Once Required to Be Maintained (a) Whenever in accordance with the provisions of this act a person has furnished proof of financial responsibility for the purpose of obtaining an operator's license or the registration of a motor vehicle owned by him it shall be obligatory upon such person thereafter to maintain such proof until he shall have been relieved by the secretary of the duty of maintaining such proof as hereinafter provided and in the event had such proof lapses or becomes diminished in security or amount it shall be the duty of the secretary to suspend the operator's license and certificates if any in connection with which such proof was furnished until proof sufficient in amount has again been furnished

(b) The secretary may relieve a person [who has previously been required to furnish proof of financial responsibility] of the duty of maintaining or furnishing such proof at any time after three years shall have elapsed since such proof was first required or furnished if during the three years' period immediately preceding such person shall not have committed any violation of the [laws regulating the operation of motor vehicles on the highways] law because of which the secretary revoked or suspended or would have had the right to revoke or suspend such persons' operator's license and if within said three years' period such person shall not have had while operating a motor vehicle either within or outside of this State [two] one or more accidents caused wholly or partially by his negligence which resulted in injury to persons or damage to property excluding motor vehicles operated by such person amounting in the aggregate to more than [two] one hundred dollars [($200.00)] ($100.00) and if there shall not be any pending claim or unsatisfied judgment against such person for damages resulting from the operation or ownership of a motor vehicle by such person during the three years' period

Section 17 Penalty for Operating Motor Vehicle [Contrary to Provisions of this Act] After Suspension or Before Reinstatement of Operator's License or Operating Privilege Any person who operates a motor vehicle within this State after his operator's license or operating privilege has been suspended or withdrawn [under the provisions of this act and while such license remains suspended] and before such license or privilege has been reinstated and any person a nonresident of this State who operates a motor vehicle within this State [contrary to the provisions of this act] after his operating privilege has been suspended or withdrawn and before such operating privilege has been reinstated shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one (1) year or by fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

Section 2 That after section twenty-one of the said act the following new sections are hereby added

Section 22 Payment of Judgment in Installments A judgment debtor to whom this act applies may for the sole purpose of giving authority to the secretary to authorize the judgment debtor to operate a motor vehicle thereafter on due notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments and the court in its discretion and without prejudice to any other legal remedies which the judgment creditor may have may so order fixing the amounts and times of payment of the installments While the judgment debtor is not in default in the payment of such installments the secretary upon his giving proof of ability to respond in damages for future accidents as hereinbefore provided may in his discretion restore or refrain from suspending his license and registration certificates but such license and certificates shall be suspended as hereinbefore provided if and when the secretary is satisfied that the judgment debtor has failed to comply with the terms of the court order

Section 23 Rates of Premium Shall be Uniform Penalty No insurer or corporate surety company or agent or officer thereof on its behalf shall because of the race or color of any person refuse to issue or execute a policy of insurance or bond establishing the financial responsibility of such person as required in this act and no insurer or corporate surety company or agent or officer thereof on its behalf shall because of the color or race of any person charge or receive from such person otherwise in the same risk classification a premium for a policy of insurance or bond at a rate in excess of the rate charged any other person

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200.00) or shall undergo imprisonment for not more than one (1) year or both in the discretion of the court

Section 24 Restrictions to Be Stated on Operator's Card Removal of Restrictions Penalty (a) When a certificate of a motor vehicle liability policy of insurance has been furnished as compliance with the requirements of proof of financial responsibility as prescribed in this act and such liability policy extends only to designated vehicles the operator shall surrender his operator's card to the secretary and the secretary shall designate by explicit description or appropriate reference the vehicle described or identified in such certificate of motor vehicle liability policy upon the operator's license card of the person whose operator's privilege is so limited and return such card to the operator

(b) In the event a person establishes proof of financial responsibility by means of a motor vehicle liability policy of insurance and during the time that such proof is required to be maintained desires to be relieved of the limitations prescribed in the policy and be permitted to operate any motor vehicle he may have such restrictions removed upon filing a certificate of the insurer showing that there has been issued to him a motor vehicle operator's policy

No person who has furnished a motor vehicle liability policy of insurance or on whose behalf a certificate of Motor Vehicle Liability Policy of Insurance has been furnished as compliance with the requirements of this act or who has retained or received an operator's license under a motor vehicle liability policy of insurance shall operate in this Commonwealth any vehicle not covered by such insurance or shall operate a motor vehicle without having in his possession his operator's card designating by explicit description or appropriate reference such vehicle

(d) Whenever a Motor Vehicle Liability Policy for any vehicle explicitly described or identified by appropriate reference on an operator's card is cancelled or lapses such operator shall immediately return the operator's card to the Secretary and notify the Secretary of such cancellation or lapse and such operator shall not operate any vehicle on the highways of this Commonwealth until he has received from the Department a corrected operator's card

(e) No person who is an owner of or in possession or control of a vehicle shall permit or direct any other person required to establish proof of financial responsibility to operate such vehicle in violation of any of the provisions of this act

Penalty Any person who violates any of the provisions of sub-sections (a) (c) (d) or (e) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand ($1,000) dollars or both in the discretion of the court

Section 25 Reports Required of Insurance Companies Penalty (a) every insurer engaging in the business of writing insurance in this Commonwealth against automobile liability automobile property damage and automobile collision insurance risks in this Commonwealth shall within ten (10) days of paying any claim or judgment against an insured resident of this Commonwealth

notify under oath or affirmation the secretary of the name and address of the insured and the amount of the claim or judgment that was paid and whether the insurance was issued under the provisions of this act

(b) Every insurer engaging in the business of writing insurance against automobile liability automobile property damage or automobile collision insurance risks in this Commonwealth shall under oath or affirmation on a form and in a manner prescribed by the secretary on or before the first day of every March notify the secretary of

1 The number of commerical vehicles and non-commerical vehicles registered in this Commonwealth in the previous calendar year for which policies of automobile insurance have been issued

2 The number of commercial vehicles and non-commerical vehicles for which policies of automobile insurance have been issued under the provisions of this act and the number of applications for such insurance that have been refused in the previous calendar year together with the name and address of the applicant for such insurance

(c) Every insurer engaging in the business of writing insurance against automobile liability automobile property damage or automobile collision insurance risks in this Commonwealth shall require each of its brokers or agents or representatives in this Commonwealth and it shall be the duty of such brokers agents or representatives upon refusing to accept an application for automobile insurance of any person required to establish proof of financial responsibility to notify the insurer immediately of the name and address of such person

Any insurer who fails to comply with any of the provisions of this section or who makes a misstatement of fact shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000)

Any brokers agent or representative in this Commonwealth of an insurer engaging in the business of writing insurance against automobile liability automobile property damage or automobile collision risks in this Commonwealth who violates any of the provisions of sub-section (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 3 That sections twenty-two twenty-three twenty-four twenty-five and twenty-six of the said act are hereby amended to read as follows

Section 26 The Secretary shall have the authority to make regulations not inconsistent with this act for the efficient administration and enforcement of this act

Section [22] 27 Constitutionality If any provisions of this act or the application thereto to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section [23] 28 Uniformity of Interpretation This act shall be so interpreted and construed as to affectuate its general purpose to make uniform the law of those states which enact it

Section [24] 29 Short Title This act may be cited as the "Uniform Automobile Liability Security Act"

Section [25] 30 Repeal All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed

Section [26] 31 Time of Taking Effect This act shall take effect on January first one thousand nine hundred and thirty-four

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, the bill being voted upon is not on the file of the Senators and cannot be voted upon.

The PRESIDENT. The Chair informs the Senator from Bucks that the bill is on the desks.

Mr. BUCKMAN. Mr. President, I ask that the roll call be suspended and that this bill go over in its order, so that we may see the bill.

Mr. FREY. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, my point of order is that there is nothing in order but the roll call.

The PRESIDENT. The point of order is well taken.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Henney,	Mallery,	Rodgers,
Cavalcante,	Jacobs,	McCreesh,	Rupp,
Dando,	Jaspan,	McGinnis,	Ruth,
Dent,	Kahle,	Mundy,	Shapiro,
DiSilvestro,	Kilgallen,	Pytko,	Sipe,
Eroe,	Kunkel,	Rankin,	Sones,
Frey,	Lanius,	Reed,	Stiefel,
Gilson,	Law,	Rice,	Thompson,
Haluska,			

NAYS—11

Bean,	Deitrick,	Homsher,	Wolfenden,
Buckman,	Ealy,	Owlett,	Woodward,
Chapman,	Gelder,	Scarlett,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I move that the remaining bills on the calendar go over in their order.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEES

The PRESIDENT. The President Pro Tempore announces the appointment of the following Committees of Conference on the respective bills which will be outlined: House Bill No. 916, Messrs. Shapiro, Pytko and Dietrick; House Bill No. 1157 Messrs. Gilson, Ruth and Buckman; House Bill No. 228 Messrs. Reed, Heyburn and Wolfenden.

RESOLUTION

MEMORALIZING CONGRESS TO ENACT THE WAGNER-STEAGAL HOUSING BILL

Mr. THOMPSON. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON offered the following resolution, which was twice read:

In the Senate, May 18, 1937.

Whereas, There is a nation wide movement to better housing conditions which in many sections are in a critical state, and

Whereas, Four bills are now pending in the General Assembly of Pennsylvania which will be ineffective to relieve conditions in this Commonwealth unless the Congress of the United States shall adopt the Wagner-Steagall Housing Bill or similar legislation, therefore be it

Resolved (if the House of Representatives concur), That the General Assembly hereby memoralize the Congress of the United States to enact the Wagner-Steagall Housing Bill or similar legislation in order that a comprehensive housing program may be effectively prosecuted in this Commonwealth.

Resolved, That a copy of this resolution be forwarded to the President of the Senate, and to the Speaker of the House of Representatives of the United States by the Chief Clerk of the Senate.

Mr. THOMPSON. Mr. President, I ask unanimous consent that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The resolution is referred to the committee on Federal Relations.

BILLS INTRODUCED

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 1326, entitled:

An Act to amend section one thousand five hundred eleven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as added; requiring school districts of the first, second and third classes to employ dental hygienists.

Which was committed to the Committee on Education.

Mr. BEAN read in his place and presented to the Chair Senate Bill No. 1327, entitled:

An Act discontinuing certain sections of State highways in the County of Montgomery and providing for the return of the liability for maintenance and construction thereof to townships.

Which was committed to the Committee on Highways.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1328, entitled:

An Act prohibiting the wearing or imitation of the uniform of the Pennsylvania Motor Police; prescribing penalties.

Which was committed to the Committee on State Government.

REPORTS FROM COMMITTEES.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO from the Committee on City Government reported as committed, Senate Bill No. 1139, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of deficits arising from nonreceipt of revenue during the year 1937 in three equal annual installments and to authorize the making of contracts, the drawing of warrants and the approval thereof without appropriation for the payment of such deficits, except as provided by this act; and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits in the manner provided by this act; and repealing any inconsistent legislation.

Mr. STIEFEL. Mr. President I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL from the Committee on Banking reported as committed, Senate Bill No. 783, entitled:

An Act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and providing for the payment of certain medical expenses; creating a board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing state employes, defining the uses and purposes thereof and the manner of payments therefrom; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. SONES. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES from the Committee on Highways reported as amended, Senate Bill No. 815, entitled:

An Act relating to motor vehicles new and used, creating a motor vehicle dealers' commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties. Regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the Commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances, providing for the li-

censing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor, authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission providing for appeals to the Courts from decisions of the Commission imposing penalties and making appropriation.

Mr. SONES. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES from the Committee on Banking reported as committed, Senate Bill No. 767 (House Bill No. 1558), entitled:

An Act to repeal the act approved the second day of April one thousand eight hundred sixty-eight (P. L. 55) entitled "A supplement to an act entitled "An Act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks' approved April twelfth one thousand eight hundred and sixty-seven".

Mr. RANKIN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on Banking reported as amended, Senate Bill No. 1030 (House Bill No. 1216), entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions, insured under the Federal Savings and Loan Insurance Corporation, shall be legal investments for certain corporations and certain funds.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 425

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 18, 1933.

Resolved (if the House of Representatives concur), That Senate Bill No. 425, Printer's No. 385, entitled "An act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties," be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN SENATE BILL No. 810

He also returned to the Senate, Senate Bill No. 810, entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges and for the purchase and improvement or construction of public highways bridges tunnels subways and underground roads

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1005

He also returned to the Senate, Senate Bill No. 1005, entitled:

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 503).

with the information that the House has passed the same without amendment.

HOUSE BILLS FOR CONCURRENCE

He also, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 721, (Senate Bill No. 1329), entitled:

An Act to further amend section two hundred and ninety-five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing for the appointment and compensation of the clerk to the jury commissioners in counties of the third class.

Which was committed to the Committee on Municipal Government.

House Bill No. 1173 (Senate Bill No. 1330), entitled:

An Act to insure and protect fair trade practices in distribution; defining such practices; prohibiting the advertisement, offer for sale or sale of merchandise at less than cost, and fixing a penalty for such advertisement, offer for sale, or sale, and investing the courts with jurisdiction to prevent and restrain violations of this act.

Which was committed to the Committee on State Government.

House Bill No. 1305 (Senate Bill No. 1331), entitled:

An Act to amend sections twenty-nine and thirty-one of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim, and providing for the management and disposition of said property after said sale.

Which was committed to the Committee on Judiciary General.

House Bill No. 1331 (Senate Bill No. 1332), entitled:

An Act requiring all persons claiming damages from any county, city, borough, town, township or school district, to file within sixty (60) days from the origin of such claim, a written notice with such county, city, borough, town, township or school district.

Which was committed to the Committee on Municipal Government.

House Bill No. 1334 (Senate Bill No. 1333), entitled:

An Act providing for the recovery of damages by persons bitten by dogs; and creating a liability of the owners of such dogs.

Which was committed to the Committee on Judiciary General.

House Bill No. 1460 (Senate Bill No. 1334), entitled:

An Act relating to employers and employes; prohibiting the issuance of scrip, tokens, drafts, orders, coupons or other certificates redeemable in merchandise in payment of labor performed or to be performed; and providing penalties.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1835 (Senate Bill No. 1335), entitled:

An Act to authorize the acquisition, improvement, construction, operation and maintenance of electric light and gas systems by cities of the third class and boroughs; authorizing the issuance of revenue bonds of such cities and boroughs, payable solely from earnings, to pay the cost of such systems; providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance, operation and repair of such systems; providing for condemnation, authorizing the issuance of revenue refunding bonds; and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

Which was committed to the Committee on Municipal Government.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 1769

He also informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 1769, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspector of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

SENATE INSISTS UPON AMENDMENTS TO HOUSE BILL NO. 1769

Mr. LAW. Mr. President, I move that the Senate insists upon the amendments made by the Senate to the foregoing bill.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 373 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 373, entitled:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 463), entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic, of "Authorities,' for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes" by removing the date by which projects must be commenced; extending the powers therein granted providing for additional projects and removing certain restrictions against construction of projects extending the life of Authorities providing for the creation of Authorities by joint or single action of municipalities counties and townships providing for the audit of accounts of authorities regulating contracts by authorities regulating the number and terms of members of the governing boards of Authorities authorizing the Commonwealth and the political subdivision thereof to transfer certain contracts to the Authorities authorizing Authorities to accept and acquire certain contracts and limiting the powers of receivers appointed therefor.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL NO. 652 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 652, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies registration commissions, commissioners, registrars, inspectors of regitration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation.

with the information that the House has passed the same

with amendment in which the concurrence of the Senate is requested.

SENATE BILL NO. 672 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 672, entitled:

An Act to amend section one, two, twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixty) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" defining employers and employes providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers further regulating registers of employment agencies and prescribing penalties

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL NO. 185 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 185, entitled:

An Act to provide for an additional law judge of the Court of Common Pleas in the twenty-first judicial district.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL NO. 1129 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1129, entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL NO. 1712 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1130, entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section nine hundred ninety-one, section two hundred two, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to, the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled, "Fish Law of 1925," further regulating the taking of fish; eliminating the right to use eel chutes, changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; regulating closed seasons in boundary lakes; and conferring additional police powers on fish wardens.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL NO. 1712 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1712, entitled:

A Supplement to the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof;" increasing the powers now exercised by the judges of said court; and making the judges of the County Court in and for the County of Alleghany available for use in other courts in the same judicial district.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL NO. 1779 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1779, entitled:

An Act to amend Section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "Insurance Company Law of 1921," to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

SENATE BILL NO. 788 RETURNED WITH AMENDMENTS

He returned to the Senate, Senate Bill No. 788, entitled:

An Act to further amend section two hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing for a minimum fee for the valuation of life policies.

with the information that the House has passed the same as amended in which the concurrence of the Senate is requested.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 794, entitled:

An Act to amend sections one and two as amended and sections four and six of the act approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "Small Loan Act (Loan Brokers Registration)," enlarging the powers of the Secretary of Banking; authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act.

Senate Bill No. 810, entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges, and for the purchase and improvement or construction of public highways, bridges, tunnels, subways and underground roads.

Senate Bill No. 1005, entitled:

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three)

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 210 (House Bill No. 301), entitled:

An Act to amend sections one hundred eighty-two and one hundred eighty-three and to add sections one hundred fifty and one-tenth, one hundred fifty and two-tenths, one hundred fifty and three-tenths, and one hundred fifty and four-tenths to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending, and consolidating the laws relating thereto," requiring all county officers hereafter appointed or elected, upon the expiration of their terms, to pay over to the county treasurer all moneys in their possession for which they are liable to account under their respective bonds, together with a statement thereof; and providing for the payment out of such moneys; providing for the escheat of certain moneys held in the county treasury, and releasing such county officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 362, entitled:

An Act to amend section two of the act approved the twentieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one), entitled, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," as amended; allowing for certain deductions of taxes where the same property would be twice taxed within one year.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 376, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, and the Board of Trustees of the Kutztown State Teachers College to acquire certain tracts of land for the use of said college; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 442, entitled:

An Act to further amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled, "An act exempting free from the claims of all creditors, the proceeds of certain life insurance and annuity contracts, bona fide taken out by any person not exceeding one hundred dollars per month, "extending the provisions of said act to certain other contracts, and increasing the amount of such exemption.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 448, entitled:

An Act to amend section one of the act approved the seventeenth day of May, one thousand nine hundred and nineteen (Pamphlet Laws two hundred seven), entitled, "An act relating to policies of life insurance or annuities," extending the provisions of said act to certain other contracts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consdieration of Senate Bill No. 525 (House Bill No. 935), entitled:

An Act requiring counties of the third class to repay moneys heretofore recovered on forfeited recognizances in certain cases and providing for the recapture of such moneys from future fines and forfeited recognizances payable to law and library associations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 627, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase, condemnation, or otherwise, for State Park purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 663 (House Bill No. 965), entitled:

An Act to amend section one of the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (P. L. 244), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talesmen, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by reconstituting the jury board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 724 (House Bill No. 1265), entitled:

An Act to further amend the title and section one of the act, approved the eighth day of May one thousand nine hundred and twenty-nine, (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," extending said act to all political subdivisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 744, entitled:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 753, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," by repealing the present sections of the act pertaining to investments, namely, sections 404, 405, 517, 518, 602 and 603, and substitute therefor new sections which provide for a reclassification of the investment provisions relating to life, fire, marine, fire and marine and casualty insurance companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 764 (House Bill No. 76), entitled:

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroads to man locomotives, trains and other self propelled engines or machines with competent employes; to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines; to provide the qualification of certain employes; and to provide a penalty for the violation thereof and the enforcement thereof by the Public Utility Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 767 (House Bill No. 1558), entitled:

An Act to repeal the act approved the second day of April one thousand eight hundred sixty-eight (Pamphlet Laws fifty-five) entitled "A supplement to an act entitled 'An act to increase the revenues of the Commonwealth by taxation of the shares of stock of the national banks' approved April twelfth one thousand eight hundred and sixty-seven"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 783, entitled:

An Act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and providing for the payment of certain medical expenses; creating a board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing state employes, defining the uses and purposes thereof and the manner of payments therefrom; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the members or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 846, entitled:

An Act making an appropriation to the Department of Military Affairs to pay the traveling expenses of the respective Commanders of the Pennsylvania Departments of the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, or their representatives, in accompanying the members of the United States Battle Monuments Commission to Europe to dedicate certain monuments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 850, entitled:

An Act to consolidate, revise and amend the penal laws of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 873, entitled:

An Act making an appropriation to the Department of Forests and Waters for the purpose of improving and developing the Hemlock State Forest Park in the County of Perry.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 940, entitled:

An Act authorizing the acquisition in the name of the Commonwealth by the Department of Forests and Waters of Braddock's Park and Jumonville Park by purchase, control, and for the management and the supervision thereof, and appropriating funds for such acquisition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1024, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," to further except from subdivision (b) of article six of that act policies of group health and accident insurance; defining group health and accident insurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1030 (House Bill No. 1216), entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal investments for certain corporations and certain funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1075, entitled:

An Act to protect the public health and welfare by regulating employment in this Commonwealth, with respect to hours and conditions of employment; providing for certain exceptions; imposing duties, liabilities and conditions on employers; defining the powers and duties of the Department of Labor and Industry and its officers and representatives; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1095 (House Bill No. 1343), entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales

and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by permitting the filing of claims in more than one county in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1098 (House Bill No. 1475), entitled:

An Act to amend section eleven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein, and giving the courts power to enforce its provisions;" providing that the defendant in a counter-claim may ask for an account in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1113, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor, and the Board of Trustees of the Edinboro State Teachers College to acquire certain tracts of land for the use of said college; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1117, entitled:

An Act to amend the act of the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty-two) by restricting the sale and transportation of goods, wares and merchandise prepared and manufactured within and without this Commonwealth by convicts and prisoners, and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1139, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of deficits arising from non-receipt of revenue during the year 1937 in three equal annual installments and to authorize the making of contracts, the drawing of warrants and the approval thereof without appropriation for the payment of such deficits, except as provided by this act; and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits in the manner provided by this act; and repealing any inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1143, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquistion of lands in connection with George W. Childs State Forest Park.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1172, (House Bill No. 141), entitled:

An Act making an appropriation to the Supreme Court for a portrait of the former Chief Justice of said court.

And said bill having been read the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1173, (House Bill No. 142), entitled:

An Act making an appropriation to the Supreme Court for a portrait of the Chief Justice of said court.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1175, (House Bill No. 1392), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1177, (House Bill No. 564), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1181, (House Bill No. 956), entitled:

An Act making an appropriation out of the Motor License Fund to the Auditor General State Treasurer and Secretary of Highways as the Commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1182, (House Bill No. 957), entitled:

An Act making an appropriation out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission for the purpose of acquiring the toll at Dingman's Ferry over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1184 (House Bill No. 1021), entitled:

An Act for the protection of employes by prohibiting those in authority over such employes to threaten or intimidate employes failing or refusing to sign petitions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1185, (House Bill No. 1133), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1186, (House Bill No. 1144), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1187, (House Bill No. 1145), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements of the State debt.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1188, (House Bill No. 1151), entitled·

An Act providing for the return to the State Insurance Fund of moneys transferred therefrom to the General Fund.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1195, (House Bill No. 1508), entitled:

An Act making an appropriation to the Department of Agriculture for suitable exhibit at the Seventh World's Poultry Congress.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1198, (House Bill No. 1644), entitled:

An Act to amend sections one, two, four and fifteen of the act approved the twenty-seventh day of April, one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred sixty-five) entitled, "An act to provide for the safety of persons employed, housed or assembled in certain buildings and structures not in cities of the first class, second class and second class A by requiring certain construction and ways of egress, equipment and maintenance, providing for the licensing of projectionists, requiring the submission of plans for examination and approval, providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class, providing penalties for violations of the provisions of this act and repealing certain acts," as amended, extending the provisions of said act to additional buildings, providing additional safety regulations and for the closing of certain buildings.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1202, (House Bill No. 1745), entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1215, entitled:

An Act making an appropriation to the Department of Forests and Waters for the acquisition of certain lands as state forest lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1220, entitled.

An Act to validate conveyances purporting to be the act and deed of a corporation heretofore erroneously executed and acknowledged, or executed and acknowledged by persons purporting to be agents of or trustees for a corporation which has since been dissolved.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1223, entitled:

An Act to amend section one of the act aproved the tenth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred seventy-nine) entitled, "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise of any kind, fixtures, machinery equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties," providing for the payment of unemployment compensation contributions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1225, entitled:

An Act making an appropriation out of The State Stores Fund to the Department of Property and Supplies for the acquisition of land (with or without buildings thereon) and for the erection, construction and equipment of an office building thereon for the use of the Pennsylvania Liquor Control Board.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1230, entitled:

An Act provdiing for the creation of a trade school in cities of the first class and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1234, entitled:

An Act prohibiting during a declared emergency, foreclosure, entry of judgment and issuance of execution on agreements, bonds and mortgages affecting real property, because of failure to fully discharge municipal liens against such property, where such liens, pursuant to ordinance or resolution, are being paid in installments.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1239 (House Bill No. 393), entitled:

An Act making an appropriation to the Department of Health for the purpose of draining flooded mines and quarries in this Commonwealth to recover human bodies lost therein.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1241 (House Bill No. 1764), entitled:

An Act relating to certain existing beneficial societies, conferring certain rights, powers and duties upon them, their officers and members, authorizing the payment of benefits by them in the event of sickness, accident, disability or death, regulating such societies and corporations and limiting the amount for which they may issue membership certificates or policies providing for reserves, imposing penalties and repealing certain existing laws and parts of law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1244, entitled:

An Act making an appropriation to the American Legislators Association, and the Interstate Legislative Reference Bureau.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1252, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1259, entitled:

An Act to amend sections one and four of the act approved the ninth day of March, one thousand nine hundred and thirty seven (Act No. 11), entitled, "A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise to make such report and recommendations to the Governor; authorizing the omission to employ counsel and employes; and making an appropriation" by empowering the commission to sit after the adjournment of the General Assembly; and increasing the amount of the appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1269, entitled:

An Act to further amend Article VI of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including

insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by adding thereto sub-article VI (h) consisting of sections 685 (six hundred and eighty-five) to 696 (six hundred and ninety-six) inclusive, defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1270, entitled:

An Act to amend sections one and three of the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (Pamphlet Laws thirty-two) entitled, "An act requiring recorders of deeds to prepare and keep in their respective offices general direct and ad sectum indexes of deeds and mortgages recorded therein; prescribing the duty of said recorders; and declaring that the entries in said general indexes shall be notice to all persons," by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1294 (House Bill No. 2102), entitled:

An Act to add section 491.1 to the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto," authorizing counties of the sixth, seventh and eighth classes to pay bounties for the destruction of rattlesnakes, copperhead snakes and porcupines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1304, entitled:

An Act for the conveyance to the United States of America of title in and to certain lands in the Township of Fairview, County of York, and ceding to the United States jurisdiction over said lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1308, entitled:

An Act to amend section four hundred and one of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," as amended by further regulating depositories of funds of counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1312, entitled:

An Act defining sales of real property in partition and dower proceedings, to be judicial sales; discharging the real property so sold from the lien of certain encumbrances; and providing for their payment out of the proceeds of the sale.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until tomorrow noon.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:33 p. m. until twelve o'clock noon tomorrow, May 19, 1937, E.S.T.

HOUSE OF REPRESENTATIVES

TUESDAY, May 18, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Rev. Dr. JOHN S. TOME, pastor of St. Mark's Lutheran Church, Hanover, Pa., offered the following prayer:

Eternal God, deep beyond our understanding and high above our imagining, we worship Thee. We glory in Thy greatness and Thy depths beyond our understanding.

Be to us a refuge. Throw Thy greatness around our littleness. Humble us with some fair vision of loveliness in character and in deed that will shame us from our self-contentment.

Be to us a friend, not far off but close at hand, available for every day's most common need so that we may but part the inward curtain of our souls and find Thee there. Make us aware of Thine abiding presence and be to every one of us henceforth the inner friend, the unseen companion.

Be Thou to these, Thy honored servants, a guide. May light fall upon their souls as they plan for the citizens of our Commonwealth. Help them so that they may not be confused amid the perplexities of life. May they see the road that should be taken in private and public living. Come Thou beyond our power to pray for them close to their souls. Bless and keep these Thy servants in Thy constant care we beseech Thee. In the name of Christ we ask these blessings. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ATKINS, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented

extracts from the Journal of the Senate which were laid upon the table.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtain permission for the Committee on Public Health and Sanitation to meet during the session of the House.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

HIGHWAYS

A communication from the Pennsylvania Home Rule Association requesting support of House Bill No. 986 and Senate Bill No. 402.

Referred to the Committee on Highways.

LIQUOR LICENSES

A communication from the Beaver County Retail Liquor Dealers Association favoring enactment of House Bills No. 1976 and 1099.

Referred to the Committee on State Boards.

WELFARE

A petition from citizens of Philadelphia favoring enactment of House Bill No. 1030.

Referred to the Committee on Welfare.

WESTMORELAND COUNTY COUNCIL VETERANS OF FOREIGN WARS OF THE UNITED STATES

May 13, 1937.

Roy E. Furman, Speaker,
House of Representatives,
Harrisburg, Pa.

Dear Mr. Furman:

Westmoreland County Council, Veterans of Foreign Wars, unanimously adopted the following resolution:

Resolved: That this County Council of the Veterans of Foreign Wars opposes House Bill No. 155 and earnestly requests the membership of the House to oppose this bill.

(Seal) NORRIS F. SWENK,
Commander.

(Seal) FRANK L. FOLK,
Adjutant.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1043.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1043, Printer's No. 943, entitled "An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation", as amended, by imposing annual taxes for State purposes for two additional years imposing taxes on ground rents making further provisions for filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes.

GEORGE H. EARLE.

BILLS TO BE READ FIRST TIME

Mr. OMINSKY. Mr. Speaker, I move that all bills which are reported out from the Committees as committed be read for the first time, for the remainder of this session.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to inquire of the Speaker whether this motion pertains to all House bills reported from any committee, or does it pertain only to bills from the Appropriations Committee?

The SPEAKER. The Chair feels that it includes all House and Senate bills reported from any committee as committed shall be given first reading when reported.

Mr. TURNER. Mr. Speaker, in the Appropriations Committee this morning we agreed that all appropriation bills where there were no amendments of any kind should be, especially these bills pertaining to the institutions, read for the first time. I do think that they are all right. I see no reason why we should agree to allow the Senate bills that are reported from the committee to be read for the first time, and I certainly would object to having all House bills read for the first time. I think that if there is some particular reason why a House bill should be read for the first time, that if the gentlemen on the other side will come to us with an explanation, we can readily get together on it.

Mr. OMINSKY. Mr. Speaker, I will amend my motion to have it apply only to bills coming out of the Appropriations Committee as committed.

On the question,

Will the House agree to the motion as amended?

It was agreed to.

REPORTS FROM COMMITTEES

Mr. SIMON, from the Committee on Appropriations, reported as committed, House Bill No. 1132, entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

Mr. LOVETT, from the Committee on Appropriations, reported as committed, House Bill No. 1146, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeoman (female), and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

Mr. BROWN, from the Committee on Appropriations, reported as committed, House Bill No. 973, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal and main-

tenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

Mr. BROWN, from the Committee on Appropriations, reported as committed, House Bill No. 278, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie.

Mr. BROWN, from the Committee on Appropriations, reported as amended, House Bill No. 638, entitled:

An Act making an appropriation to the Trustees of Lincoln University, Chester County.

Mr. LONG, from the Committee on Appropriations, reported as committed, House Bill No. 307, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia, Pennsylvania, for medical education.

Mr. ZAPPALA, from the Committee on Appropriations, reported as committed, House Bill No. 2259, entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional Federal funds.

Mr. ZAPPALA, from the Committee on Appropriations, reported as committed, House Bill No. 1818, entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing fourth class school districts upon certain increases of the salaries of members of the teaching staffs of elementary schools in such school districts.

Mr. ZAPPALA, from the Committee on Appropriations, reported as committed, House Bill No. 473, entitled:

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge, at Sharon, and the construction of a shelter house for recording devices near the weir.

Mr. YOURISHIN, from the Committee on Appropriations, reported as committed, House Bill No. 348, entitled:

An Act making an appropriation to the Glen Mills Schools situated in Delaware County, Pennsylvania.

Mr. YOURISHIN, from the Committee on Appropriations, reported as committed, House Bill No. 349, entitled:

An Act making an appropriation to the Sleighton Farm School for Girls situated in Delaware County, Pennsylvania.

Mr. FRANK P. HAMILTON, from the Committee on Appropriations, reported as committed, House Bill No. 1346, entitled:

An Act making an appropriation to the Treasury Department for the payment of certain claims against the Commonwealth.

Mr. SCHROCK, from the Committee on Appropriations, reported as committed, House Bill No. 1896, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

Mr. FITCH, from the Committee on Appropriations, reported as amended, House Bill No. 1141, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

Mr. WELLIVER, from the Committee on Appropriations, reported as committed, House Bill No. 1152, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and poor district hospitals.

Mr. FRANK P. HAMILTON, from the Committee on Appropriations, reported as amended, House Bill No. 1153, entitled:

An Act making an appropriation to the Department of Property and Supplies for repairs, alterations and additions to or replacements of existing buildings and equipment to eliminate fire and other hazards to safety at State institutions.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed, House Bill No. 1138, entitled:

An Act making an appropriation to aid certain school districts.

Mr. CLIFF S. PATTERSON, from the Committee on Appropriations, reported as amended, House Bill No. 1372, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such Department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings and facilities of the Authority, or for the services rendered by the Authority or its projects.

Mr. CLIFF S. PATTERSON, from the Committee on Appropriations, reported as committed, House Bill No. 558, entitled:

An Act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers, lakes, and streams, title to which is in the Commonwealth have been and are occupied or encroached upon; and making an appropriation.

Mr. SCANLON, from the Committee on Appropriations, reported as amended, House Bill No. 486, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

Mr. SCANLON, from the Committee on Appropriations, reported as amended, House Bill No. 865, entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania.

Mr. SCANLON, from the Committee on Appropriations, reported as committed, House Bill No. 1384, entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia, Pennsylvania for optometrical education.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as amended, House Bill No. 2330, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as amended, House Bill No. 1390, entitled:

An Act making an appropriation to the General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration and operation thereof.

Mr. LaRUE, from the Committee on Appropriations, reported as committed, House Bill No. 2145, entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests of this Commonwealth.

Mr. WELSH, from the Committee on Appropriations, reported as committed, House Bill No. 1136, entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition, by purchase or condemnation of lands, the payment of labor, and the purchase of supplies, materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap; and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

Mr. LaRUE, from the Committee on Appropriations, reported as committed, House Bill No. 2201, (Senate Bill No. 560), entitled:

An Act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation.

Mr. WOOD, from the Committee on Appropriations, reported as committed, House Bill No. 2280, (Senate Bill No. 562), entitled:

An Act making an appropriation to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission.

Mr. ACHTERMAN, from the Committee on Appropriations, reported as committed, House Bill No. 2270, (Senate Bill No. 23), entitled:

An Act making an appropriation out of the Motor License Fund to carry into effect the provisions of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" and its amendments and defining the purposes for which said appropriation may be expended.

Mr. HAGERTY, from the Committee on Law and Order, reported as committed, House Bill No. 1364, entitled:

An Act relating to ice hockey and ice skating exhibitions on Sunday; prohibiting ice hockey and ice skating exhibitions on Sunday unless the electors of a municipality or township are in favor of the same, and requiring in certain cases that a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors and for the enactment and repeal of ordinances and resolutions in accordance therewith; providing penalties and repealing inconsistent laws.

Mr. CHERVENAK, from the Committee on State Government, reported as committed, House Bill No. 1974, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, an officers thereof, including the boards of trustees of Stat Normal Schools, or Teachers Colleges; abolishing, creatin reorganizing or authorizing the reorganization of certai administrative departments, boards, and commissions; de fining the powers and duties of the Governor and othe executive and administrative officers, and of the severa administrative departments, boards, commissions, and offi cers; fixing the salaries of the Governor, Lieutenant Gov ernor, and certain other executive and administrative offi cers; providing for the appointment of certain administra tive officers, and of all deputies and other assistants an employes in certain departments, boards, and commis sions; and prescribing the manner in which the numbe and compensation of the deputies and all other assistant and employes of certain departments, boards and commis sions shall be determined," by creating a National Shrine Commission in the Department of Military Affairs, an prescribing its powers and duties.

Mr. McSHANE, from the Committee on Law and Orde reported as committed, House Bill No. 1301, entitled:

An Act authorizing vaudeville exhibitions in conjunctio with moving picture exhibitions in certain cities, borough towns or townships where the voters have approved th exhibition of moving pictures on Sundays.

Mr. BROWN, from the Committee on State Governmen reported as amended, House Bill No. 867, entitled:

An Act providing for the registration with the Secretar of the Commonwealth of names and marks branded o containers of milk, cream and other dairy products; reg ulating the purchase, sale, possession, use and destruc tion of containers so branded; imposing penalties; provid ing for the issuing of search warrants; and prescribin what shall be prima facie evidence of a violation of thi act.

Mr. DAVID H. WEISS, from the Committee on Law and Order, reported as committed, House Bill No. 283, en titled:

An Act relating to basket-ball on Sunday; prohibitin basket-ball on Sunday unless the electors of a munici pality or townships are in favor of the same and requirin in certain cases that a license has first been secured fro the municipal authorities; providing for referendums t ascertain the will of the electors and for the enactmen and repeal of ordinances and resolutions in accordanc therewith; providing penalties; and repealing inconsisten laws.

Mr. BLANK, from the Committee on Corporations, re ported as amended, House Bill No. 1841, entitled:

An Act to amend section three hundred eighteen of th act, approved the fifth day of May, one thousand nine hun dred and thirty-three (P. L. 364), entitled "An act relat ing to business corporations; defining and providing fo the organization, merger, consolidation, reorganizatio winding up and dissolution of such corporations; confer ring certain rights, powers, duties and immunities upo them and their officers and shareholders; prescribing th conditions on which such corporations may exercise thei powers; providing for the inclusion of certain existin corporations of the second class, within the provisions o this act; prescribing the terms and conditions upon whic foreign business corporations may be admitted on ma continue to do business within the Commonwealth; con ferring powers and imposing duties on the Courts o Common Pleas, and certain State departments, commis sions, and officers; authorizing certain State department boards, commissions, or officers to collect fees for service required to be rendered by this act; imposing penalties and repealing certain acts and parts of acts relating t corporations;" further regulating financial reports of cor porations to shareholders.

Mr. CORRIGAN, from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 1934, entitled:

An Act for the public safety; requiring and regulating the installation of gas shut-off valves and accessory appliances in and in connection with certain buildings; and conferring powers and duties on the Department of Labor and Industry and cities of the first, second and second A classes.

Mr. SPENGLER, from the Committee on Law and Order, reported as committed, House Bill No. 1537, entitled:

An Act relating to Sunday music; permitting musicians to receive compensation for services rendered on Sunday; authorizing pay concerts to be given and broadcast on Sunday under certain circumstances, and allowing school and certain public buildings and parks to be used therefor and providing penalties.

Mr. ELPERN, from the Committee on Boroughs, reported as committed, House Bill No. 2252, (Senate Bill No. 357), entitled:

An Act to amend sections one thousand six and one thousand thirty-five, as amended, and section one thousand sixty-two of the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled, "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," providing for and regulating the method of making appropriations, expenditures, employments, contracts and purchases by boroughs; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs; regulating the preparation of the auditors' statement requiring the controller or secretary to file an annual report with such department; conferring jurisdiction of certain cases upon aldermen, magistrates and justices of the peace; and providing penalties.

Mr. SAMUEL A. WEISS, from the Committee on Judiciary General, reported as committed, House Bill No. 2181, (Senate Bill No. 274), entitled:

An Act relating to statutory laws; prescribing an enacting clause for statues; fixing the effective date and time of statues hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statues; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes.

Mr. FINNERTY, from the Committee on Banking, reported as committed, House Bill No. 2166, (Senate Bill No. 610), entitled:

An Act providing for the creation of a legal holiday on September 17, 1937, to be known and observed as "Constitution Day."

Mr. COAKLEY, from the Committee on Education, reported as amended, House Bill No. 1350, (Senate Bill No. 222), entitled:

An Act to amend sections five hundred and fifty-nine and five hundred and sixty-two of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the collection of taxes for which collectors have been exonerated and other delinquent taxes; and authorizing the appointment of collectors of delinquent taxes therefor.

Mr. JAMES A. SMITH, from the Committee on Railroads and Railways, reported as amended, House Bill No. 2287, (Senate Bill No. 314), entitled:

An Act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders.

Mr. MOOMAW, from the Committee on Judiciary Special, reported as committed, House Bill No. 2282, (Senate Bill No. 773), entitled:

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth including information pertaining to civil rights and constitutional guarantees and conferring powers and duties with respect thereto upon the Department of State.

Mr. BLANK, from the Committee on Judiciary General, reported as committed, House Bill No. 2211, (Senate Bill No. 643), entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

Mr. CADWALADER, from the Committee on Railroads and Railways, reported as amended, House Bill No. 2284, (Senate Bill No. 1105), entitled:

An Act concerning proxies authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof.

Mr. LONGAKER, from the Committee on Municipal Corporations, reported as committed, House Bill No. 2258, (Senate Bill No. 1086), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplement thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notice of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Mr. FLANNERY, from the Committee on Railroads and Railways, reported as committed, House Bill No. 2199, (Senate Bill No. 359), entitled:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley

car, incorporated under the law of this Commonwealth, to acquire the corporate powers, franchises, property rights and credits of such company.

Mr. SHEA, from the Committee on Railroads and Railways, reported as amended, House Bill No. 2288, (Senate Bill No. 339), entitled:

An Act to amend the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws 205) entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged" by making the same applicable to the surviving company in case of a merger and by modifying the limitations restrictions and conditions affecting the issue of stock and bonds.

Mr. HESS, from the Committee on Municipal Corporations, reported as committed, House Bill No. 2304, (Senate Bill No. 1133), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Mr. BOIES, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 2257, (Senate Bill No. 1045), entitled:

An Act to amend the title and sections one, two, three, four and five of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1349), entitled "An act providing for the purchase and for the distribution of vitamin products as defined in this act, to certain pupils in the public schools; conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the Department or Property and Supplies, school districts, teachers, and medical inspectors of schools; and making an appropriation;" extending the provisions of said act to children under twelve years of age.

Mr. SPENGLER, from the Committee on Municipal Corporations, reported as committed, House Bill No. 2292, (Senate Bill No. 931), entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth; and validating such improvements, assessments, claims and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims and liens.

Mr. LOVETT, from the Committee on Appropriations, reported as committed, House Bill No. 2230, (Senate Bill No. 682), entitled:

An Act making an appropriation for the expenses of the joint legislative commission created by Senate concurrent resolution serial number one hundred and six, approved March sixteenth, one thousand nine hundred and thirty-seven.

Mr. TUMELTY, from the Committee on Insurance, reported as committed, House Bill No. 2296, (Senate Bill No. 1023), entitled:

An Act to amend section six hundred and nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring certain existing corporations to comply with the provisions of the aforementioned act.

Mr. SHUGARTS, from the Committee on Mines and Mining, reported as committed, House Bill No. 2267, (Senate Bill No. 740), entitled:

An Act to re-enact and amend the act, approved the tenth day of March, one thousand nine hundred and thirty-seven (Act No. 21), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through check-weighman and check-measures elected by the miners; imposing duties and liabilities upon operators; and imposing penalties;" clarifying the provisions of said act; providing for the filing of complaints with the Court of Common Pleas and for the procedure thereon; and providing additional penalties.

Mr. LaRUE, from the Committee on Fisheries, reported as amended, House Bill No. 2271, (Senate Bill No. 189), entitled:

An Act to amend sections two hundred and two of the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight) entitled, "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by providing additional penalties for killing fish by pollution or explosions.

Mr. ACHTERMAN, from the Committee on Appropriations, re-reported as committed, House Bill No. 826, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes.

Mr. BRADLEY, from the Committee on Mines and Mining, re-reported as committed, House Bill No. 1690, entitled:

An Act regulating the mining of coal prescribing duties for county commissioners and imposing penalties.

Mr. VALIBUS, from the Committee on Public Health and Sanitation, re-reported as committed, House Bill No. 920, entitled:

An Act requiring operators of swimming pools to which admission fees are charged to have an oxygen inhaler at such pools and a person in attendance competent to use the same making failure to comply a misdemeanor and prescribing penalties.

Mr. PRESTON, from the Committee on Corporations, re-reported as committed, House Bill No. 1437, entitled:

An Act to amend sections two hundred and eleven, three hundred and twelve, seven hundred and seven and eight hundred and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporation," by placing the incorporation and regulation of non-profit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth; and conferring discretionary powers upon the courts.

Mr. SIMON, from the Committee on Appropriations, re-reported as amended, House Bill No. 906, entitled:

An Act creating a State Worlds Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation.

Mr. JAMES A. SMITH, from the Committee on Railroads and Railways, re-reported as amended, House Bill No. 670, entitled:

An Act to promote the safety of travelers upon street railways and buses and others by requiring a crew of two on each street railway car and certain buses.

Mr. SCHROCK, from the Committee on Appropriations, re-reported as committed, House Bill No. 1615, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease or condemnation on behalf of The Commonwealth of Pennsylvania the property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance.

Mr. O'KEEFE, from the Committee on Ways and Means, re-reported as amended, House Bill No. 2128, (Senate Bill No. 371), entitled:

An Act to amend section twenty-one of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled, as amended: "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by providing for the [illegible] of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth.

Mr. WESTRICK, from the Committee on Agriculture, reported as committed, House Resolution No. 83.

BILL RE-REFERRED

Mr. O'CONNOR returned from the Committee on Education with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 2314, (Senate Bill No. 885), entitled:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training retraining instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1132, entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1146, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeoman (female), and nurses who were killed in action or did during the World War; and conferring certain duties upon the State Veterans' Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 973, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in the Dixmont Hospital, at Dixmont, Allegheny County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 278, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 307, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia, Pennsylvania, for medical education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2259, entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional Federal funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1818, entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing fourth class school districts upon certain increases of the salaries of members of the teaching staffs of elementary schools in such school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 473, entitled:

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge, at Sharon, and the construction of a shelter house for recording devices near the weir.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 348, entitled:

An Act making an appropriation to the Glen Mills Schools situated in Delaware County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 349, entitled:

An Act making an appropriation to the Sleighton Farm School for Girls situate in Delaware County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1346, entitled:

An Act making an appropriation to the Treasury Department for the payment of certain claims against the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1896, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1152, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and poor district hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1138, entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 558, entitled:

An Act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers, lakes, and streams, title to which is in the Commonwealth have been and are occupied or encroached upon; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1384, entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia, Pennsylvania, for optometrical education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2145, entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1136, entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands, the payment of labor, and the purchase of supplies, materials and equipment to enlarge and

improve the Military Reservation at Indiantown Gap; and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2203, (Senate Bill No. 682), entitled:

An Act making an appropriation for the expenses of the joint legislative commission created by Senate concurrent resolution serial number one hundred six approved March sixteenth one thousand nine hundred and thirty-seven

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2201, (Senate Bill No. 560), entitled:

An Act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies and for its management and development by the Pennsylvania Historical Commission and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2280, (Senate Bill No. 562), entitled:

An Act making an appropriation to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2270, (Senate Bill No. 23), entitled:

An Act making an appropriation out of the Motor License Fund to carry into effect the provisions of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" and its amendments and defining the purposes for which said appropriation may be expended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. WOODSIDE in the Chair.

BILL INTRODUCED

Mr. COLEMAN asked and obtained the unanimous consent of the House to introduce a bill, the title of which was read as follows:

An Act making an appropriation to the Department of Forests and Waters for the acquisition of certain lands in Lackawanna and Luzerne Counties as State [illegible] lands.

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 17, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening May 24th, at nine o'clock, Eastern Standard Time, and when the House of Representatives adjourns this week it reconvene on Monday evening, May 24, 1937, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows, viz:

SENATE BILL No. 64.

An Act to establish a separate orphans' court in and for the County of Dauphin

SENATE BILL No. 65.

An Act to amend section one of the act, approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

SENATE BILL No. 814.

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws," empowering the Insurance Commissioner to make periodical examination of such societies and requiring such societies to furnish the Insurance Commissioner with any information he may desire providing penalties

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 77.

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings

HOUSE BILL No. 859.

An Act to further amend section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" by changing the requirements of medical educational institutions.

HOUSE BILL No. 914.

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal licenses or registration certificates to persons engaged in professions trades or occupations requiring such renewals

HOUSE BILL No. 1410.

An Act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts

With the information that the Senate has passed the same without amendment.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1116, entitled:

An Act to provide a system to provide for a uniform system of poor relief administration throughout the Commonwealth through county bureaus of welfare under the county commissioners and through the Department of Public Welfare in cities coextensive with counties providing for referendums prescribing the powers and duties of the agencies charged with the care of the poor abolishing certain poor districts and terminating the terms of poor district officers providing for the disposition of poor district property for the transfer of poor persons and for the purchase of lands and the erection of buildings and providing for the levy of taxes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1114, entitled:

An Act providing for the administration of public assistance laws including mothers assistance old age assistance unemployment relief assistance and blind pensions creating county boards of assistance and abolishing boards of trustees of the Mothers Assistance Fund board of trustees of Pension Fund for the Blind and various unemployment relief agencies and prescribing the powers and duties of such boards conferring powers on the Governor and county commissioners imposing certain duties on county treasurers the Auditor General and the Department of Welfare and relieving counties from certain costs and expenses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1115, entitled:

An Act to amend article twenty-three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and re-organizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" prescribing the powers and duties of the Department of Welfare with respect to the administration of public assistance laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1791, entitled:

An Act to provide reimbursement for hospitals on account of expenses of the care of indigent persons injured in motor vehicle accidents imposing powers and duties upon certain State departments and making an appropriation from the Motor License Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that this bill be re-

committed to the Committee on Welfare for the purpose of further study.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1784, entitled:

An Act to further amend section three of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" by making a portion of the moneys in the Motor License Fund available for administering the law providing reimbursement for hospital services to indigent victims of motor vehicle acidents

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2242, entitled:

An Act to amend section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one, (P. L. 149) entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriations," by making further provision regarding the discount allowed to distributors if reports are filed and taxes paid on time.

And said bill having been read at length the first time, Ordered To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2268, (Senate Bill No. 759), entitled:

An Act to amend sections one, two, seven and nineteen of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred thirteen) entitled, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom, and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 236, entitled:

An Act providing for the creation of public "Authorities" in boroughs authorizing such "Authorities" to enter into agreements with the Government of the United States or agency thereof the Commonwealth of Pennsylvania and political subdivisions and municipalties thereof and with others defining and providing for the organization and dissolution of such "Authorities" conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such "Authorities" may exercise their powers endowing such "Authorities" with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such "Authorities" to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1869, entitled:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination of licensure and registration of persons and registration of corporations engaged in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses authorizing the State Board of Undertakers to impose penalties and extending its power to make rules and regulations and giving associations of funeral directors the right of appeal in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1255, entitled:

An Act to provide for the issuance and acceptance of certificates from duly licensed optometrists whenever such certificates may now or hereafter be required as to oscular and visual efficiency by any law of the Commonwealth and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith

And said bill having been read at length the first time, Ordered To be laid aside for second reading.

The SPEAKER (Roy E. Furman) in the Chair.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the titles were publicly read as follows:

An Act to amend section one of, and to add sections two and three to, the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation;" creating said commission as a departmental administrative

commission in the Department of Highways amplyfying the powers of said commission to include the industrial educational and agricultural interests and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to co-ordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

SENATE BILL No. 64.

An Act to establish a separate orphans' court in and for the County of Dauphin

SENATE BILL No. 65.

An Act to amend section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

SENATE BILL No. 814.

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commisioners and for the admission of foreign societies tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" empowering the Insurance Commissioner to make periodical examinations of such societies and requiring such societies to furnish the Insurance Commissioner with any information he may desire providing penalties

HOUSE BILL No. 77.

An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith" extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings

HOUSE BILL No. 859.

An Act to further amend section four of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" by changing the requirements of medical educational institutions

HOUSE BILL No. 914.

An Act requiring the Department of Public Instruction to collect past due fees and penalties before issuing renewal licenses or registration certificates to persons engaged in professions trades or occupations requiring such renewals

HOUSE BILL No. 1410.

An Act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts

The first to the tenth sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "1937 Magistrates' Court Act"

Section 2 The twenty-eight courts not of record of police and civil causes with jurisdiction not exceeding one hundred dollars established by the second section of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue as therein provided

Section 3 No magistrate shall personally engage in any other business or profession or hold any other public office or serve as a representative of any political party in any assembly district senatorial district or congressional district or on the executive committee or any other governing body of any political party organization Each of the magistrates shall devote his entire time and attention to the duties of his office and no magistrate clerk stenographer or other officer or employe provided for herein shall demand or receive any money or other thing

of value for the performance or non-performance of any of the duties pertaining to his office other than fees and compensation allowed by law

Section 4 Should any vacancy happen in the office of magistrate either by death resignation disqualification removal or otherwise such vacancy shall be filled for the full term of six years in the manner hereinbefore set forth at the next succeeding municipal election held in the City of Philadelphia after said vacancy shall happen and it shall be the duty of the Governor in the meantime to appoint and commission a suitable person to fill such vacancy until the first Monday of January next succeeding the first municipal election after said vacancy shall happen Provided however That if said vacancy shall happen within two calendar months before any municipal election the vacancy shall not be filled until the second succeeding municipal election thereafter and the Governor shall appoint and commission a suitable person to fill said vacancy until the first Monday of January after said second municipal election

Section 5 If any magistrate for any cause shall be unable to attend to his official duties he shall notify the chief magistrate who shall designate and assign another magistrate to discharge the duties of said magistrate during such inability

Section 6 The Board of Magistrates hereinafter provided for shall by rule or regulation adopted as hereinafter provided prescribe forms for civil and criminal dockets which shall be kept in each of said courts by the magistrates holding the same and in which shall be entered daily all proceedings of said courts and all official actions of the magistrates therein and it shall be the duty of the magistrate receiving any costs fees fines penalties or other moneys to note the same in the margin of the proper docket opposite to the entry of the case in respect to which the same is received with the date at which and the name of the person from whom the same was received together with the date and the person to whom the same was paid Said dockets shall be open to the inspection of any person during the hours when the court is required to be kept open

Section 7 Each magistrate shall keep a daybook in which he shall enter all costs fees fines penalties and other moneys collected by him with the date when the person from whom and the purpose for which the same were received. He shall also note therein the time when and the manner in which the same are disposed of and the books and papers of said court including said daybooks shall be the property of the Commonwealth of Pennsylvania He shall pay over to the city treasurer within five days after the first Monday of every month all costs of suits fees fines penalties and other sums of money received during the preceding month excepting constables' fees which shall be paid directly to the constable entitled thereto by said magistrate during the preceding month except such costs and judgments as the parties to any proceeding before him may by law be entitled to receive and shall at the same time furnish to the controller of the City of Philadelphia under oath or affirmation an accurate account of all moneys so paid either into the city treasury or to constables The controller of the city shall not countersign any warrant for the monthly payment of the salary of any magistrate until he is satisfied from inspection by himself or his deputy of the dockets daybooks or other books of such magistrate that his accounts are correct and that all payments required by law to be made to the city treasurer have been so made

Section 8 Whenever a vacancy shall for any reason occur in the office of a magistrate it shall be the duty of such magistrate to deliver to his successor in office all dockets books bonds and other papers connected with his office and in case of the death of any magistrate all persons having possession of the dockets books bonds and other papers aforesaid of such deceased magistrate shall under like penalties deliver the same to his successor in office or if no successor has been appointed or elected to the chief magistrate herein provided for If any magistrate whose office has become vacant as aforesaid or any person having possession of the dockets books bonds and papers of any deceased magistrate shall neglect or refuse to deliver the same over as hereinbefore provided to his successor in office or to the Chief Magistrate as the casé may be the Chief Magistrate or any person aggrieved by such neglect or refusal may petition the Court of Common Pleas of the County of Philadelphia to order such delivery as aforesaid and the Court of Common Pleas may enforce its order by attachment for contempt or by other suitable process and the successor in office of such magistrate or the Chief Magistrate to whom such dockets books bonds and papers as aforesaid are delivered or any magistrate to whom the Chief Magistrate may deliver the same shall have power to issue process and proceed thereon in the same manner and with the same effect as the magistrate to whom the said documents books bonds and papers may have belonged would have had had he remained in office Provided That in case the magistrate to whom such docket books bonds and papers are delivered shall be a party in interest in any cause pending before the magistrate to whom said dockets books bonds and papers shall have officially belonged such cause shall be proceeded in by such other magistrate as the Chief Magistrate may designate to whom a transcript of such proceeding shall be furished as well as the original docket if required at the time of the trial thereof

Section 9 Except in cases of hearings on warrants issued by a magistrate the hearings of all criminal cases shall be held only in the central police court the divisional police courts hereinafter provided for or in the district station houses herein designated for that purpose

Section 10 There shall be established a central police court in the city hall of the City of Philadelphia which shall be open with a magistrate continually present thereat during the entire twenty-four hours of each day and to which the mayor of the City of Philadelphia shall regularly assign from the body of magistrates a sufficient number of magistrates to hold the same for the period of one month Provided however That the same magistrate shall not be assigned for consecutive months and that no magistrate shall be assigned to said court more than once in every six months

The eleventh section was read as follows:

Section 11 It shall be the duty of the Chief Magistrate to appoint and assign in rotation in the manner prescribed by the Board of Magistrates magistrates to serve as committing magistrates in the several police stations in the City of Philadelphia but no magistrate shall be assigned longer than one month to the same station house in any one year Provided however That the Chief Magistrate after consultation with the District Attorney and the Director of Public Safety of the City of Philadelphia shall select not less than five nor more than ten station houses which shall be known as divisional police courts and in which in addition to the hearings regularly held therein shall be held exclusively the hearings of all persons arrested on sight or on a police warrant for the following indictable offenses that is to say for treason sedition murder voluntary and involuntary manslaughter abortion arson blackmail perjury and subordination of perjury sodomy kidnapping mayhem receiving stolen goods obtaining money or other property by false pretense carrying concealed deadly weapons operating an automobile while under the influence of intoxicating liquor the illegal possession and sale of machine guns and firearms and the illegal possession sale and use of narcotic drugs and also all forms of bribery rape assault and battery to ravish robbery burglary and entering with intent to commit a felony or felonies larceny forgery fraudulently making uttering and publishing written instruments felonious assaults and batteries extortion keeping setting up and maintaining lotteries gambling houses gambling machines pool selling and bookmaking keeping maintaining and frequenting bawdy houses and houses of assignation pandering and prostitution embezzlement fraudulent conversion offenses by public officers and also all conspiracies solicitations and attempts to commit any

of the foregoing offenses and aiders abetters and accessories before and after the fact to said offense and compounding of the same

The said divisional police courts shall be selected from among the district police stations in such manner that they shall be most suitably and conveniently located for the dispatch of the public business therein and as far as practicable for the equal distribution among said divisional police courts of the hearings hereby required to be held therein exclusively The magistrates assigned to preside at the divisional police courts shall also be assigned by the Chief Magistrate in rotation in the manner prescribed by the Board of Magistrates and no magistrate shall be assigned longer than one month to the same divisional police court and every magistrate shall be assigned to each divisional police court in turn It is the intention of this section that there shall be established a system of rotation whereby the same magistrates shall not be repeatedly assigned to the same police station or divisional police court and the judges of the Courts of Common Pleas of Philadelphia County are hereby given authority to enforce this provision Nothing herein contained shall operate to deprive any magistrate before whom a criminal case has been lawfully begun of jurisdiction and authority fully and completely to hear and dispose of the same and of all charges growing out of or connected with the transaction involved therein notwithstanding the charge or charges upon which the accused is held or convicted may not be within the jurisdiction of the divisional or district police court as the case may be in which the magistrate is sitting at the time

It is hereby declared that the foregoing enumeration of offenses is intended to be inclusive and not exclusive and shall be liberally interpreted to carry out the legislative purpose as generally expressed therein

No magistrate shall receive any additional compensation for acting as committing magistrate at any police station or at any divisional police court

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 11, page 7, line 12, by striking out the word "five" and inserting in lieu thereof: "ten"

Amend sec. 11, page 7, line 12, by striking out the word "ten" and inserting in lieu thereof: "fifteen"

Amend sec. 11, page 8, line 19, by striking out the following: "the Board of Magistrates" and inserting in lieu thereof: "this act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twelfth section was read and agreed to as follows:

Section 12 The hearings of all criminal cases other than those provided for in section eleven of this act shall be held as now provided by law in the station house of the district in which the arrest without warrant is made and in the case of arrest on warrants in the station house of the district to which the magistrate issuing the warrant is assigned or in the court of such magistrate as the said magistrate may direct In cases of offenses herein required to be heard exclusively in the divisional police courts the jurisdiction of each of said courts shall extend over arrests made in the police district in which each court is located and in such police districts contiguous thereto as may be selected by the Chief Magistrate after consultation with the district attorney and the director of public safety as aforesaid to effect convenient and equal distribution among said courts of their business as aforesaid Hearings on warrants issued by any magistrate other than police warrants may be held in the court of such magistrate the police station house to which he is assigned or the divisional police court in which he may be sitting at the time as said magistrate shall direct

The thirteenth section was read as follows:

Section 13 No magistrate shall release on copy of the charge without entry of bail as hereinafter provided any person arrested charged with any of the crimes specified in section eleven of this act except operating an automobile while intoxicated fraudulent conversion frequenters of bawdy house or house of assignation After the hour of seven post meridian for the accommodation of the public the director of public safety shall make suitable arrangements for the prompt issuance by the officer in charge of the cell room of the central station or any district station house and such other person as he may designate of certificates or copies of the charge without cost against any person arrested in any police station of the city and all persons arrested shall be given the opportunity to communicate with such persons as they desire

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 13, page 10, lines 14 and 15, by striking out the following: "After the hour of seven post meridian for" and inserting in lieu thereof: "and assault and battery. In these exceptions to section eleven and in all other cases not specifically mentioned, the magistrate may release on a copy of the charge without entry of bail if the circumstances and facts of such case or cases warrant him to do so. For"

Amend section 13, page 10, line 18, by inserting after the word "or" the following: "by"

Amend section 13, page 10, line 18, by inserting after the word "any" the following: "other"

Amend section 13, page 10, line 19, by striking out the word "and" and inserting in lieu thereof: "official or"

Amend section 13, page 10, line 23, by striking out the following: "communicate with" and inserting in lieu thereof: "promptly communicate with, be interviewed or examined by"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourteenth to the sixteenth sections inclusive were separately read and agreed to as follows:

Section 14 No continuance of a hearing of a criminal case shall be granted by a magistrate unless the person requesting the continuance shall state under oath his or her reason therefor and the reason stated together with the name of the party requesting the same shall be noted by the magistrate in his docket and shall be returned as a part of the transcript of the case Provided That if any case shall be continued by a magistrate of his own motion such continuance and his reason for his action shall be set forth at length by the magistrate in his docket and returned as part of the transcript of the case

Section 15 In cases where a person arrested on a criminal charge shall be entitled to release upon posting of bail it shall be the duty of the magistrate holding the preliminary hearing of such person to promptly fix the amount of the bail and neither he nor any other magistrate shall accept bail unless the provisions of sections sixteen seventeen eighteen and nineteen of this act are complied with

Provided however That this section shall not prevent the magistrate holding any hearing from authorizing bail to be entered without real estate security where in his opinion the evidence produced so warrants except when the person arrested is charged with any of the offenses listed in section eleven of this act

Section 16 Whenever pursuant to law any person or persons charged with the commission of any criminal offense or offenses has had bail lawfully fixed by a magistrate it shall be the duty of the magistrate taking bail to make a thorough inquiry into the sufficiency of such bail and he shall make a due and thorough investigation under oath into the financial responsibility of the recognizer or surety and it shall be his duty to take of such recognizer or surety a written justification under oath setting forth

(1) The name age and residence of the bondsman

(2) A description of the property offered as surety with its exact location and the street number in the City of Philadelphia

(3) The present value assessed value the amount paid therefor and the rent derived therefrom

(4) All encumbrances whether mortgages judgments et cetera stating in detail character and amount when and where recorded or entered and a statement that there are no other encumbrances except as noted

(5) That the title to the property is in the bondsman himself and is not subject to any trusts

(6) How the property was acquired whether by will or deed making an exact notation of the date and record of registry of the will or recording of the deed giving book and page number

(7) A list of all judgments against the bondsman

(8) Statement in what other cases or for what person or persons if any the bondsman is surety

(9) Statement as to whether or not the municipal school and other taxes have become delinquent and

(10) What amount if any is paid or to be paid to the recognizer of bail for giving said bail and what countersecurity is given if any Cash bail in lieu of real estate security may be accepted by the magistrate taking the bail and shall be delivered forthwith to the clerk of quarter sessions and a receipt taken therefor

The seventeenth section was read as follows:

Section 17 No bail or recognizance shall be taken without a justification as aforesaid endorsed on the bond or recognizance duly signed and sworn to by such surety recognizor or bondsman and no bail shall be accepted unless said surety recognizor or bondsman offers as security a property situate within the City of Philadelphia nor shall such bail be taken until the magistrate shall have verified the truth of certain statements in the justification as required in section eighteen hereof

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 17, page 13, line 11, by inserting after the word "hereof" the following: "The provisions of this section shall not apply to cases in which a judge of record shall accept as security a property situate without the City of Philadelphia or to cases in which cash bail is presented and accepted."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighteenth section was read as follows:

Section 18 Every magistrate before accepting bail shall make due inquiry by telephone of the City Controller of Philadelphia whose duty it shall be to furnish from the records of his office to the inquiring magistrate the following information

(a) The name of the owner of the particular property offered to the magistrate as security

(b) The amount of unpaid taxes due thereon

(c) The amount of liens thereon

(d) The assessed value thereof

(e) Whether the same property has heretofore been accepted as security for bail heretofore entered and still in force

It shall further be the duty of the controller to make a record in duplicate of the fact of inquiry by the magistrate and of the information furnished him and the case concerning which it was furnished and mail one copy thereof to the inquiring magistrate and retain the other for his files magistrate who has finally discharged such person or by the District Attorney after the grand jury has ignored the bill or bills of indictment or when the court has disposed of the case and the Magistrate or District Attorney shall promptly notify the controller in writing of such discharge which he has made

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 18, page 13, lines 12 to 16, by striking out the following: "shall" in line 12, and all of lines 13 to 16, both inclusive, and inserting in lieu thereof: "secured by real property shall be furnished with a bail certificate issued by the city controller, and said certificate shall contain the following information:"

Amend section 18, page 13, lines 25 to 29, by striking out the following: "make" in line 25, and all of lines 26 to 29, both inclusive.

Amend section 18, page 14, line 1, by striking out the following: "his files" and inserting in lieu thereof: "retain a duplicate copy of each bail certificate issued together with the information as to whom the said certificate was issued. The"

Amend section 18, page 14, line 2, by striking out the word "by"

Amend section 18, page 14, lines 4 and 5, by striking out the following: "and the Magistrate or District Attorney"

Amend section 18, page 14, line 6, by striking out the following: "discharge which he has made" and inserting in lieu thereof: "final disposition and return the bail certificate to the controller."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The nineteenth section was read and agreed to as follows:

Section 19 If the magistrate is satisfied from the information received from the controller and the justification sworn to by the proposed bondsman that there is sufficient equity in the property tendered as security he may accept the surety or bondsman as bail and thereupon stamp or note upon the deed of the surety or bondsman which said magistrate shall require to be produced before him the fact that bail has been accepted by him the name of the particular case in which it was accepted the date of acceptance and the amount thereof which stamp or notation may only be cancelled by the District Attorney upon discrarge of the bail according to law

The twentieth section was read as follows:

Section 20 The City Controller of Philadelphia shall afford twenty-four hours service of the information provided in the preceding sections of this act and to enable him to do so said City Controller is hereby authorized to appoint four additional clerks at an annual salary not exceeding two thousand dollars ($2,000.00) each

From and after the effective date of this act the fees now chargeable by law for the entry of bail before magistrates shall be increased by the sum of fifty cents ($0.50)

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 20, page 14, lines 19 and 20, by striking out the word "afford" and inserting in lieu thereof: "provide"

Amend section 20, page 14, lines 28 and 29, by striking out the following: "increased by the sum of fifty cents ($0.50)" and inserting in lieu thereof: "one dollar ($1.00)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-first section was read as follows:

Section 21 There is hereby created a civil division of the magistrates' courts of Philadelphia which shall be a court not of record but which shall provide a simple informal and inexpensive method and procedure for the determination of claims for liquidated sums not in excess of one hundred dollars The said court shall open with scrupulous punctuality for hearings from nine thirty o'clock ante medidian until twelve o'clock noon and from one thirty o'clock post meridian until four thirty o'clock post meridian daily except Saturdays when the court shall close at twelve o'clock noon The court shall not be open on Sundays or legal holidays All civil cases instituted in any of the magistrates' courts of the City of Philadelphia shall be tried before three magistrates sitting in such civil division in a court room assigned to them for that purpose in City Hall in Philadelphia The chief magistrate shall regularly assign three of the magistrates to sit as a court en banc in all civil matters in such civil division for the period of one month to hear all cases The vote of not less than two of the three magistrates shall be necessary to enter judgment for plaintiff or defendant as the case may be Provided however That the same magistrate shall not be assigned to the civil division for consecutive months and that no magistrate shall be assigned to said civil division more than once every six months

The chief magistrate is hereby empowered to provide for and set up more than one court of three magistrates each for the hearing of civil cases when the volume of such cases is such that cases are delayed or it appears to him that they are being disposed of in too rapid a fashion with the possible consequence that injustice might be done to any party litigant

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 21, page 15, lines 21 and 22, by striking out the misspelled word "defendeant" and inserting in lieu thereof "defendant"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-second and twenty-third sections were separately read and agreed to as follows:

Section 22 Actions in every magistrates' case shall be commenced without a summons or a praecipe therefor The filing of a statement of claim by the plaintiff and the service of the statement of claim upon the defendant as herein provided shall have the same effect as though a summons had been regularly served according to the manner prescribed for the service of summons The plaintiff shall state to the clerk of the magistrates' court his name place of residence telephone number and the name and place of residence so far as known of the defendant and the nature and amount of his claim and the clerk after such further inquiry as he may deem necessary shall reduce the claim to writing in triplicate in concise and untechnical form giving time place and other relevant circumstances The statement of claim shall be signed and sworn to before the clerk by the plaintiff A brief record of the claim shall be entered in the civil docket of the court by the clerk The court at the hearing may allow any statement of claim to be amended

Section 23 At the time the plaintiff presents the facts in substantiation of his claim to the clerk of the magistrates' court the plaintiff shall pay the clerk for the use of the county a fee of one dollar and fifty cents ($1.50) for which a receipt shall be issued Said fee shall cover the costs of preparing and serving the statement of claim entering the judgment in the civil division of the magistrates' court issuing execution thereon through the sheriff's office and recording the said judgment in a court of record No refund of the fee paid herein or any part thereof shall be made

The twenty-fourth section was read as follows:

Section 24 All statements of claim in civil actions shall be served in the following manner

(a) The clerk shall send a copy of the statement of claim by registered mail return receipt requested to the last known residence or place of business of the defendant

(b) Should such statement of claim be returned to the magistrates' office with the notation that the defendant refuses to accept the same the clerk shall then send the same to the sheriff's office for service upon the defendant in the same manner as prescribed by law for the service of writs of summons by the sheriff no fee shall be charged by the sheriff for this service

(c) Should such statement be returned by the United States Post Office Department for want of a proper address then all proceedings are to stop until the plaintiff shall have supplied the clerk with the correct address

(d) Where service of the statement of claim is made by registered mail the clerk of the court upon the return of the receipt to him by the United States Post Office Department shall file the same with the chief clerk of the magistrates' civil court in City Hall together with an affidavit reciting the fact of service by registered mail and such receipt and affidavit shall constitute service

(e) One copy of the statement of claim shall be kept on file in the court in which such action shall be commenced the original shall be forwarded to the chief clerk to be filed with the records of the magistrates' civil court in City Hall and the third copy shall be served upon the defendant in the manner hereinabove provided

(f) The statement of claim in all actions commenced in the magistrates' courts shall be indorsed with a notice signed by the clerk of the court stating the time date and

place of the trial or hearing at which the defendant is ordered to be present

Section 24 A case shall be deemed at issue upon the service of the statement of claim upon the defendant No answer shall be filed by the defendant except where he desires to claim a set-off or make a counter-claim in which case an answer in writing shall be filed with the clerk of the court at any time before the commencement of the trial Such answers containing set-offs and counter-claims shall be filed in the same manner as hereinbefore provided for the filing of the statement of claim The court at the hearing may allow any answer filed to be amended

The filing of answers containing set-offs and counter-claims shall be noted in the court docket by the clerk

The fee for filing an answer containing a set-off or counter-claim shall be one dollar ($1.00) payable by the defendant to the clerk for the use of the county

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 24, page 17, line 18, by striking out the word "no" and inserting in lieu thereof: "No"

Amend sec. 24, page 18, line 2, by inserting after the word "service" the following: "A record of such service shall be made by the clerk in the civil docket of the magistrate's court from which such letter originated."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-fifth to the twenty-eighth sections inclusive were separately read and agreed to as follows:

Section 25 Trials in the civil division shall be before the court of three magistrates the trial procedure shall be informal and only substantive rules of law shall be applied The board of magistrates shall have power to prescribe rules of procedure and practice not inconsistent with the provisions of the acts of Assembly or of the Constitutions of the Commonwealth or of the United States No pleadings other than those required or permitted by this act shall be entertained in such court The civil division shall conduct all hearings in such form and with such methods of proof as it deems best to discover the facts and to administer justice in the case The magistrates sitting as the court en banc in such civil division may question either party and the witnesses If the plaintiff does not appear at the time set for the hearing the court may dismiss the claim for want of prosecution or enter a finding on the merits for the defendant or the plaintiff or make such other disposition as to it may appear proper If the defendant shall fail or neglect to appear at the hearing the court may enter judgment for the full amount of the claim with costs

The court shall render its decision immediately at the conclusion thereof giving judgment for the plaintiff or defendant or enter such decree as to it shall appear proper together with interest and costs and shall notify the plaintiff and defendant orally thereof before they leave the court

Section 26 The court shall have power to continue any hearing pending before it but such continuance shall be allowed only (a) where one of the parties or a material witness is unable to be present by reason of illness or other reason appearing sufficient to the court or (b) where a defense is produced which was not forseen by the plaintiff and the court is of the opinion that the plaintiff should have additional opportunity to rebut the defense

Section 27 A judgment entered in the civil division may be appealed by either party as heretofore All such judgments may be removed to the Court of Common Pleas by certiorari in the same manner within the same time and subject to the same procedure as heretofore

Section 28 When a judgment is rendered by the civil division the clerk of the court shall receive the amount of the judgment with costs to date if offered by the defendant before execution and promptly pay the same over to the plaintiff If any judgment is not so paid within twenty days of the entry of the judgment the court shall direct its writ of execution to the sheriff of the county commanding him to levy the debt interest and costs on the defendant's goods and chattels and within the space of the next ten days following the levy expose the goods and chattels to public sale having first given notice of the same by at least three handbills posted in conspicuous places in the vicinity Thereupon said execution sale of goods and chattels and return thereof shall proceed in the manner provided by law for executions issuing out of the courts not of record except that the moneys realized from the sale shall be applied first to the payment of the plaintiff debt second to the payment of costs and third any excess to the defendant

All writs of execution issuing out of the civil division shall be in such form as is prescribed for like writs issuing out of the Courts of Common Pleas of the several counties of this Commonwealth Such writs shall be directed to the sheriff of the county and the sheriff shall not make any charge in advance for such service but if a fund should come into the hands of the sheriff he may deduct a sum not to exceed four dollars ($4.00) for sheriff's costs

The twenty-ninth section was read as follows:

Section 29 Where any judgment entered in the civil division of the magistrates' court after execution has been returned unsatisfied in whole or in part the clerk of the court shall send a transcript of such judgment to the prothonotary of the county who shall enter the same and such judgment shall have the same force and effect as any other judgment of a court of record This service shall be rendered by the prothonotary gratuitously

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 29, page 21, line 23, by striking out the word "gratuitously" and inserting in lieu thereof: "without any charge whatsoever"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirtieth to the thirty-third sections inclusive were separately read and agreed to as follows:

Section 30 The chief magistrate shall appoint a chief clerk of the civil division of the magistrates' court whose salary shall not exceed twenty-five hundred dollars ($2500) per annum and shall appoint such clerical assistants not in excess of six at salaries not to exceed eighteen hundred dollars ($1800) per annum all of which salaries shall be paid by the county

The chief clerk shall keep a complete record in suitable dockets of all cases filed with the court the proceedings therein and the disposition thereof and in keeping said dockets he should endeavor to obtain the standard now

maintained by the prothonotary of Philadelphia County

Section 31 There shall be a Board of Magistrates composed of all the magistrates of the City of Philadelphia The said board shall be presided over by a Chief Magistrate who shall be the administrative representative and executive head of the said board and shall be selected in the manner and shall hold the position of Chief Magistrate for the term hereinafter provided The Chief Magistrate shall have general supervision of the conduct of the business of all the courts held by the magistrates and between meetings of the Board of Magistrates shall have full power and authority to execute the rules and regulations of said board and to issue such necessary interim administrative orders and directions as the said board could issue and as are not inconsistent with existing law or said rules and regulations The said Board of Magistrates shall have the power and it shall be its duty to consider supervise and prescribe rules and regulations for the conduct of the various civil and police courts by the magistrates and the practice and procedure in the administration of justice therein The said board shall have the power to investigate of its own motion or on complaint of others any and all matters pertaining to the courts presided over by the magistrates the administration thereof and the official conduct of any person or persons connected therewith and take such lawful action in respect thereto as it may deem necessary and proper in the premises The Board of Magistrates shall meet for the discharge of its duties at least four times in each year during the first week of the months of January April July and October and at such other times as it may be convened by the Chief Magistrate or at the written request of five or more magistrates The meetings of the said board shall be held in the office of the Chief Magistrate

Section 32 As soon as practical after the approval of this act the Governor of the Commonwealth shall select from among the magistrates a Chief Magistrate to act as such from the date of appointment for the remainder of the term for which he shall have been elected or appointed as magistrate and before the expiration of such term the Governor shall select from among the magistrates a Chief Magistrate to act as such in succession to him whose term of magistrate is about to expire and to hold office from and after the expiration of such term until his own term as magistrate shall expire and so on from time to time thereafter as the term of office of any magistrate who has been selected Chief Magistrate shall be about to expire the Governor shall select from among the magistrates a Chief Magistrate to serve until his own term as magistrate shall expire unless removed before such time by the action of the Governor Provided however That any magistrate upon being re-elected to office as such magistrate shall continue eligible for re-appointment from time to time as Chief Magistrate

Section 33 Within sixty days after this act takes effect it shall be the duty of the Board of Magistrates to prepare and submit to the judges of the Courts of Common Pleas rules and regulations for the practice and procedure in and the conduct of the business of their courts by the magistrates which said rules and regulations shall become valid and binding as such when the same are approved by a majority of the judges of the said Courts of Common Pleas and if the said Board of Magistrates shall fail or neglect to prepare such rules and regulations and submit the same to the judges of the Courts of Common Pleas for their approval it shall be the duty of the said judges of their own motion to promulgate such rules and regulations which shall be the official rules and regulations of the Board of Magistrates Said rules and regulations may be added to altered amended or repealed from time to time in the same manner as is herein provided for the adoption of the same The judges of the Court of Common Pleas may also from time to time of their own motion alter amend or repeal such rules and regulations as may be then in force and promulgate such new rules and regulations as the said judges may deem necessary and proper

The thirty-fourth section was read as follows:

Section 34 There is hereby imposed upon the Board of judges of the Common Pleas Courts of Philadelphia County the power and duty to generally supervise the magistrates of the City of Philadelphia and to see to it that they faithfully perform the duties required by this act To that end the judges of the Courts of Common Pleas shall have the power from time to time as they deem necessary to inquire into and consider any and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties and for this purpose to issue out of any of the Courts of Common Pleas writs of subpoena for the summoning of witnesses and the production of books papers and documents of the magistrates or others as may be relevant and proper to such inquiry and to take such lawful and proper action in the premises as the said judges may deem necessary

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 34, page 24, lines 26 to 29, by striking out the following: "There is hereby imposed upon the Board" in line 26, and all of lines 27 to 29, both inclusive.

Amend sec. 34, page 25, lines 1 and 2, by striking out the following: all of line 1, and "act. To that end the" in line 2, and inserting in lieu thereof: "The"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-fifth section was read and agreed to as follows:

Section 35 It shall be the duty of the City of Philadelphia to supply and pay for whatever may be necessary for the transaction of the business of said magistrates' courts and to supply all proper court rooms and accommodations including waiting rooms withdrawing rooms dockets blank books legal blanks stationery furniture and equipment and such law books as may be certified by the Chief Magistrate to be necessary for the use of the magistrates' courts and to pay all salaries compensations expenses and disbursements that are herein or are otherwise authorized by law and it shall be the duty of the council of said city to appropriate annually a sum sufficient to pay such salaries compensations expenses and disbursements Such dockets blank books legal blanks and stationery shall be uniform in character The court rooms waiting rooms and withdrawing rooms accommodations furniture and equipment to be supplied shall be of such character and be kept in such condition of repair cleanliness and useful service at the expense of said city as the Chief Magistrate with the approval of the council shall determine to be necessary or desirable

The thirty-sixth section was read as follows:

Section 36 The Chief Magistrate shall provide for the appointment of a sufficient number of stenographers or stenographic clerks as may be necessary regularly to be present at and report the proceedings in said divisional police courts in all cases required by this act to be heard exclusively therein as well as in cases where there are hearings on private warrants upon request of either party of interest or the magistrate issuing such warrant providing such request is made in writing twenty-four hours prior thereto Said stenographers or stenographic clerks shall receive an annual salary to be fixed by the Board of Magistrates not exceeding two thousand five hundred dollars ($2,500.00) per annum

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 36, page 26, lines 18 and 19, by striking out the following: "Board of Magistrates" and inserting in lieu thereof: "Chief Magistrate"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-seventh section was read as follows:

Section 37 Each clerk of a magistrate's court shall receive a salary of two thousand dollars per annum the chief clerk a salary of two thousand five hundred dollars per annum Said salaries shall be paid by the city in semi-monthly payments

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 37, page 26, line 21, by striking out the word: "Each" and inserting in lieu thereof:

"A On or after the first day of July, one thousand nine hundred thirty-seven, and thereafter whenever a vacancy occurs, the chief city magistrate shall appoint a chief clerk and a deputy stenographic clerk, who shall respectively perform such duties as may be required of them by this act, and by the chief city magistrate, and by rules adopted by the board of magistrates. The chief clerk and deputy stenographic clerk shall be entitled to serve so long as they respectively behave themselves well. Each clerk of a magistrate's court shall file with the chief clerk each month a report of the criminal business of said magistrate's court during the preceding month and such other reports, from time to time as the chief city magistrate shall require. The chief clerk shall cause suitable blanks to be prepared and furnished for such purpose.

B The deputy stenographic clerk and each"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-eighth section was read as follows:

Section 38 It shall be the duty of the Council of the City of Philadelphia to provide for the payment of the salaries of the aforesaid stenographers or stenographic clerks when appointed by the Board of Magistrates as aforesaid and to provide for them suitable offices and accommodations for the performance of their duties as herein prescribed including all office furniture typewriter machines dictaphones paper and all other necessary supplies for the performance of their duties

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 38, page 26, line 29, by striking out the following: "Board of Magistrates" and inserting in lieu thereof: "Chief Magistrate"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-ninth to the forty-seventh sections inclusive and title were separately read and agreed to as follows:

Section 39 It shall be the duty of the stenographers or stenographic clerks as aforesaid to report in full the entire proceedings of the said divisional police courts in all cases required by this act to be tried exclusively therein and to file in the office of the clerk of the court of quarter sessions full true and complete verbatim transcripts or reports of said proceedings within five days after the taking of the same or sooner if so specially directed by the presiding magistrate Each such transcript or report shall be certified by the stenographer taking the same in the following form

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause and that this copy is a correct transcript of the same

.....

Stenographer

Such transcripts or reports when so certified by the stenographer and filed as aforesaid shall upon any other trial or in any other proceeding in which it may become material to prove the matters therein reported be taken and held to be prima facie correct and if otherwise admissible in evidence shall be admitted without the necessity of calling the stenographer who made the said transcript or report as a witness to prove the same The District Attorney of the County of Philadelphia the City Solicitor of the City of Philadelphia the Chief Magistrate and any judge of the Courts of Common Pleas of said county shall on request be furnished with a copy of any such proceeding free of charge All other persons desiring copies of any proceeding reported by any stenographer or stenographic clerk shall be entitled to receive the same upon payment of twenty cents ($0.20) for each page thereof No stenographer nor stenographic clerk shall retain for himself any money received from the sale of a copy or copies of transcripts but shall pay over all moneys so received by him to the clerk of the magistrate before whom such hearing took place and shall be entered by the clerk in the day book and returned to the City Treasurer of the City of Philadelphia and account for the same to the City Controller

Section 40 The transcript or report of the proceedings hereinbefore referred to and required to be filed with the clerk of the Court of Quater Sessions of the County of Philadelphia shall be kept by said clerk for such period of time not less than three years after the receipt of the same as may be fixed by the judges of the Courts of Common Pleas and shall at all reasonable times and subject to reasonable regulations by the judges of the Courts of Common Pleas of said county be opened to public inspection

Section 41 The District Attorney of the County of Philadelphia may assign such number of his assistants as may be necessary to be present at and conduct on behalf of the Commonwealth all criminal hearings held in the divisional police courts herein provided for

Section 42 On or before the twentieth day of January of each year the Chief Magistrate shall make written report to the Board of Magistrates of the business of all the magistrates' courts on the criminal side during the preceding calendar year and of the attendance thereat Copies of said report shall be furnished to the judges of the

Courts of Common Pleas of Philadelphia County to the mayor and to the Controller of the City of Philadelphia The reasonable cost of the preparation of the said report shall be paid by the County of Philadelphia as part of the expenses of the magistrates' courts

Section 43 It shall be unlawful for any magistrate to

(a) Review alter modify or remit any sentence of fine or imprisonment lawfully imposed by him or to alter any of his official decisions in any case heard by him except in the presence of and with the written approval of the prosecutor

(b) Allow a further hearing in any criminal case without complying with the provisions of section fourteen of this act

(c) Knowingly and wrongfully for the purpose of deceiving others use or permit the use of his signature seal of office or Coat of Arms of the Commonwealth of Pennsylvania on any unofficial paper document letter or communication

Section 44 Any magistrate or other person charged with the performance of any duty or prohibited from performing any act by any of the provisions of this act who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand five hundred dollars ($1,500.00) or undergo imprisonment not exceeding three years either or both in the discretion of the court and in addition thereto any magistrate so convicted shall forfeit his office and be removed therefrom by the court in which such conviction shall have been had

Section 45 The provisions of this act shall be severable If any of said provisions shall be held to be invalid or unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act

It is hereby declared as the legislative intent that this act would have been adopted had such invalid or unconstitutional provisions not been included therein

Section 46 Sections nine thirteen fourteen fifteen sixteen seventeen twenty-one twenty-four twenty-five twenty-six thirty thirty-three and thirty-six of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia and creating a board of magistrates providing for a chief magistrate prescribing their powers and duties providing for clerks establishing a central administrative office imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office and repealing certain prior acts" be and the same are hereby specifically repealed

All other acts or parts of acts inconsistent herewith are also hereby repealed

The provisions of existing law respecting magistrates' courts of the City of Philadelphia and the practice and procedure therein in so far as the same do not conflict with or are not modified by the provisions of this act shall remain in full force and effect

Section 47 This act shall become effective on the fifteenth day of June one thousand nine hundred thirty-seven

An Act relating to magistrates and magistrates' courts in the City of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the City Controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the County of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof and repealing certain prior acts.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1984, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Deparment of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by adding new sections further regulating the use of highways and the operation of and the equipment used in connection with vehicles including trailers and semi-trailers street cars trackless trolley omnibuses school buses and commercial motorcycles upon the highways of this Commonwealth providing exemptions extending certain provisions of the act to trailers and semi-trailers providing for the renewal and automatic satisfaction of encumbrances and liens and further amending the procedure relating thereto providing for the further registration of certain vehicles and the licensing of the operators thereof including additional requirements reciprocity agreements and additional reasons for suspension and revocation conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment changing the procedure disposition of fines and penalties for certain violations of the act and making fines thereunder mandatory and extending existing penalties and providing additional penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections 102 201 202 203 204 207 208 209 210 211 301 302 305 306 401 405 409 411 502 510 603 604 606 608 611 614 615 619 620 712 713 716 722 801 802 802.2 806 807 808 811 812 816 816.1 823 824 and 902 of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing

duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" are hereby amended or further amended as the case may be to read as follows

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Approved" Having been favorably passed upon by the secretary as suitable for the purpose designed

"Auxiliary Driving Lamp" A complete road illuminating device in addition to or supplementing the head lamps located upon the front of a motor vehicle

"Bicycle with Motor Attached" Every vehicle except a motorcycle as herein defined which is self-propelled by an engine not exceeding four (4) horsepower

"Business District" The territory contiguous to a highway when fifty (50) per cent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business

"Chassis" The chassis of a motor vehicle to be propelled by an internal combustion or steam engine shall consist of an assembly of all essential parts with protective housings ready for operation on the highway including as minimum equipment a set of tires attached to wheels driver's seat including cab front wheel fenders running board or mounting step tool compartment priming coat on all parts to be painted pair of front lamps and one rear lamp license brackets jack and a set of tools commonly used for making adjustments and minor repairs on the highways water oil and fuel

"Clearance Lamp" A lamp or lamps so arranged to show white green or amber to the front and red to the rear

"Commercial Motor Cycle" Every motor cycle designed to travel on three wheels in contact with the ground and designed for carrying freight merchandise implements or articles of any kind or service in connection with calling for and delivering automobiles to patrons

"Commercial Motor Vehicles" Any motor vehicle designed for carrying freight or merchandise Provided however That a motor vehicle originally designed for passenger transportation to which has been added a removable box body without materially altering said motor vehicle when owned and used by a farmer shall not be deemed a "commercial motor vehicle" for the purpose of this act And further provided That any motor vehicle of the bus type operated under contract with or owned by any school district of this Commonwealth for the transportation of school children shall be deemed a "commercial motor vehicle"

"Crosswalk" That portion of a highway ordinarily included within the prolongation of curb and property lines at intersections or any portion of a highway clearly indicated for pedestrian crossing by lines or other markings on the surface

"Cushion Rubber Tire" A tire molded on a steel base having a longitudinal cavity running circumferentially at the center line of the tire extending from its base with a height of no less than one half the overall standing height of the tire such tires when new being no less than four and one-half (4½) inches high overall including steel base

"Dealer" Any person firm corporation or association engaged in the purchase and sale of motor vehicles trailers and semi-trailers and who has an established place of business or any person regularly engaged in the business of transporting new vehicles on their own wheels and who has an established place of business

"Department" The Department of Revenue of this Commonwealth

"Emergency Brake" The means of applying braking effort to at least two (2) wheels on a motor vehicle normally operated by the operator's hand Provided however That where there are two (2) brakes both designed to be operated by the foot the one (1) equipped with a ratchet or other device for holding the brake in the applied position shall be considered the "Emergency Brake" and the requirements shall be the same as herein set forth

"Essential Parts" All integral parts and body parts the removal alternation or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle

"Explosives" Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions quantities or packing that any ignition by fire by friction by concussion by percussion or by detonator or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb

"Flammable Liquid" Any liquid which has a flash point of seventy degrees Fahrenheit or less as determined by a tabliabue or equivalent closed cup test device

"Foreign Vehicles" Every motor vehicle trailer or semi-trailer which shall be brought into this Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this Commonwealth

"Gross Weight" The combined weight of the vehicle or combination of vehicles and its or their load or loads exclusive of the operator

"Headlamp" A complete road illuminating device located upon the front of a motor vehicle the rays from which are projected forward other than a sidelight auxiliary driving lamp searchlight or spot lamp

"Highway" Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons colleges universities or other institutions

"Intersection" The area embraced within the prolongation of the lateral curb lines or if none then the lateral boundary lines of two or more highways which join one another at an angle whether or not one such highway crosses the other

"Jobber" Any person firm corporation or association engaged in the purchase and sale of new motor vehicles trailers or semi-trailers and their re-sale directly to dealers

"Learner's Permit" A permit issued to any person to learn to operate a motor vehicle or tractor

"Local Authorities" Every county municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this Commonwealth

"Magistrate" A mayor burgess magistrate alderman justice of the peace or other officer having the powers of a committing magistrate

"Manufacturer" Every person engaged in the business of manufacturing motor vehicles trailers semi-trailers motors or bodies of such vehicles

"Mechanical Signal" A movable device operated mechanically or by the driver and so constructed and arranged as to give a cautionary or direction signal to the front and rear

"Metal Tires" All tires the surface of which in contact with the highway is wholly or partly of metal or other hard non-resilient material

"Motor Bus" Shall include all motor vehicles operated for the carriage of passengers for hire by individuals associations copartnerships or corporations required under the laws of this Commonwealth to obtain certificate of

public convenience from the Public Utility Commission of the Commonwealth of Pennsylvania before engaging in the carriage of passengers for hire or by individuals associations copartnerships or corporations who or which were engaged in the business of carrying passengers for hire as common carriers prior to the first day of January one thousand nine hundred and fourteen

"Motor Cycle" Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground except any such vehicle as may be included within the term "tractor"

"Motor Omnibus" Shall include all motor vehicles operated for the carriage of passengers for hire by individuals associations copartnerships or corporations who or which were not engaged in the carriage of passengers for hire as common carriers prior to the first day of January one thousand nine hundred and fourteen and who or which are not required under the laws of this Commonwealth to obtain from the Public Utility Commission of the Commonwealth of Pennsylvania certificate of public convenience for the carriage of passengers for hire or motor vehicles of the bus type not operated for the carriage of passengers for hire except as herein provided This definition shall not include or apply to any motor vehicle operated under contract with any school district of this Commonwealth for the transportation of school children such motor vehicles to come within the definitions of commercial motor vehicles or motor vehicles

"Motor Vehicles" Every vehicle as herein defined which is self-propelled except tractors power shovels road rollers agricultural machinery and vehicles which move upon or are guided by a track or travel through the air

"New Motor Vehicles" Every motor vehicle which is not defined as a reconstructed rebuilt or used motor vehicle

"Non-resident" Any resident of any State or country who has no regular place of abode or business in this Commonwealth for a period of more than thirty (30) consecutive days in the year except as otherwise provided in section 409 and section 603 of this act

"Obscured Registration Plate" Every registration plate the characters on which are not legible in daylight at a distance of fifty (50) feet from the front or rear of the motor vehicle on the line of the axis of the vehicle on an approximately level stretch of highway

"Operator" Every person who is in actual physical control of a motor vehicle or tractor upon a highway

"Operator's License" The license issued to any person to operate a motor vehicle or tractor

"Overtake" A vehicle or combination of vehicles shall be deemed to overtake another vehicle or combination of vehicles when all of the vehicle and its load or all of the combination of vehicles and their loads move so that any part of the vehicle or its load or any part of the combination of vehicles or their loads is opposite to or along side of any other moving vehicle or its load or combination of vehicles or their loads being operated in the same direction as the overtaking vehicle or combination of vehicles

"Owner" A person or persons holding the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof or other like agreement with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee then such conditional vendee or lessee shall be deemed the owner for the purpose of this act

"Parking" The standing of a vehicle except police or fire department vehicle or ambulance whether occupied or not upon a highway otherwise than temporarily for the purpose and while actually engaged in loading or unloading or in obedience to traffic regulations or traffic signs or signals

"Parking Lamp or Clearance Lamp" A lamp or lamps so arranged to show white green or amber to the front and red to the rear

"Pass" A vehicle or combination of vehicles shall be deemed to pass another vehicle or combination of vehicles when all of the vehicle and its load or all of the combination of vehicles and their loads moves by or in advance of any moving vehicle and its load or combination of vehicles and their loads being operated in the same direction as the passing vehicle or combination of vehicles

"Passenger Seat" Each sixteen (16) inches of seating capacity in any motor omnibus or motor bus

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania State Police State Highway Patrolman or other police officer vested with authority of arrest

"Pedestrian" Any person afoot

"Person" Every natural person firm copartnership association or corporation

"Pneumatic Tires" All tires inflated with compressed air

"Private Road or Driveway" Every road or drive not open to the use of the public for purposes of vehicular travel

"Railway Grade Crossing" Any set of tracks or rails of any steam gasoline or electric railway line which intersects or crosses any highway at the same level or grade of such highway except electric railway lines within cities boroughs or incorporated towns

"Rear Lamp" A lamp located upon the rear of a motor vehicle trailer or semi-trailer so arranged as to show red to the rear and illuminate the rear registration plate

"Rebuilt Motor Vehicle" Every motor vehicle which shall have been assembled by using new parts and used parts derived from other motor vehicles of the same make and rebuilt by the manufacturer thereof

"Reconstructed Motor Vehicle" Any motor vehicle which shall have been assembled or constructed largely by means of essential parts new or used derived from other motor vehicles or makes of motor vehicles of various names models and types or which if originally otherwise constructed shall have been materially altered by the removal of essential parts or by the addition or substitution of essential parts new or used derived from other motor vehicles or makes of motor vehicles

"Residence District" The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred (300) feet or more is closely built up with dwellings or by dwellings and buildings in use for business

"Right of Way" The privilege of the immediate use of the highway

"Safety Zone" The area of space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone

"Secretary" The Secretary of Revenue of this Commonwealth

"Semi-trailer" Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle

"Service Brake" The means of applying braking effort to at least two (2) wheels on a motor vehicle normally operated by the operator's foot

"Sidelights" Any lights upon a motor vehicle other than headlamp or auxiliary driving lamp or searchlight or spot lamp the rays of which project forward

"Sign" Any device mark marker board plate or other contrivance designed for the purpose of guiding traffic or informing of a traffic regulation

"Signal Lamp" A lamp located upon the side or rear of a motor vehicle so arranged to show red green or yellow to the rear as a cautionary signal

"Solid Rubber Tire" Every tire made of rubber other than a pneumatic tire or a cushion rubber tire

"Specially Constructed Vehicle" Any vehicle which shall not have been originally constructed under a distinctive name make model or type by a generally recognized manufacturer of vehicles

"Spot Lamp" An auxiliary illuminating device either

fixed or movable intended to project a powerful concentrated beam of light

"State" A State territory organized or unorganized or district of the United States of America

"Street Car" Every device traveling exclusively upon rails when upon or crossing a highway other than railroad cars or trains

"Tractor" Every vehicle of the tractor type as defined in the Tractor Code

"Traffic" Pedestrians vehicles and street cars either singly or together while using any highway for purposes of travel

"Traffic Signal" Any device using words or colored lights or a combination thereof either manually or electrically controlled by which traffic is alternately directed to stop and go

"Trailer" Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle

"Truck Tractor" Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn

"Used Motor Vehicles" Every motor vehicle which has been sold bargained exchanged given away or title transferred from the person who first acquired it from the manufacturer or jobber or dealer and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof

"Vehicle" Every device in upon or by which any person or property is or may be transported or drawn upon a public highway excepting tractors agricultural machinery devices moved by human power or used exclusively upon stationary rails or tracks Provided That for the purpose of Article X of this act a bicycle or a ridden animal or a tractor or any other device moving upon wheels on a public highway or upon stationary rails or tracks on a public highway shall be deemed a vehicle

Section 201 Certificate of Title Required

(a) No person who is a resident of this Commonwealth shall own a motor vehicle trailer or semi-trailer in this Commonwealth unless a certificate of title therefor shall have been obtained as provided in this act

(b) Provided That manufacturers and jobbers shall not be required to obtain certificate of title for new motor vehicles trailers or semi-trailers when consigned by such manufacturers or jobbers to dealers And further provided That dealers need not obtain certificate of title for motor vehicles trailers or semi-trailers until and before sale thereof

Penalty Any person violating the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 202 Application for Certificate of Title

Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall be accompanied by the fee prescribed in this act and shall contain a full description of the motor vehicle trailer or semi-trailer the actual or bona fide address and name of the owner together with a statement of the applicant's title and of any liens or encumbrances upon said motor vehicle trailer or semi-trailer and whether possession is held under a lease contract of conditional sale or other like agreement The application shall be signed and verified by oath or affirmation by the applicant if a natural person in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by said corporation to sign the application to which shall be attached written evidence of his authority The secretary shall use reasonable diligence in ascertaining whether or not the facts stated in said application are true and if satisfied that the applicant is the lawful owner of such motor vehicle trailer or semi-trailer or is otherwise entitled to have the same titled in his name the department shall issue a certificate of title bearing the signature or facsimile signature of the secretary or such officer of the Department as he shall designate and sealed with the seal of the department

Section 203 Contents Delivery and Life of Certificate of Title

(a) A certificate of title shall contain such description and other evidence of identification of the motor vehicle trailer or semi-trailer for which it is issued as the secretary may deem necessary together with a statement of any liens or encumbrances which the applicant may show to be thereon together with the name and address of the holder or holders of any such liens or encumbrances

(b) Where there are no liens or encumbrances upon the motor vehicle trailer or semi-trailer the certificate of title shall be delivered to the owner but otherwise the certificate of title shall be delivered to the person holding the first lien or encumbrance upon said motor vehicle trailer or semi-trailer and be retained by such person until the entire amount of such first lien or encumbrance is fully paid by the owner of said motor vehicle trailer or semi-trailer Upon the final payment being made of any lien or encumbrance the certificate of title shall be delivered immediately to the owner of said motor vehicle trailer or semi-trailer with proper evidence of satisfaction of same providing there are no subsequent liens or encumbrances If there are any subsequent liens or encumbrances upon the motor vehicle trailer or semi-trailer the certificate of title upon final payment being made of any lien or encumbrance shall be returned to the department by the person whose lien or encumbrance has been discharged by such payment within forty-eight (48) hours of such payment A corrected certificate of title together with a statement of the remaining liens or encumbrances on record shall be delivered to the person holding the next lien or encumbrance upon said motor vehicle trailer or semi-trailer and be retained by such person until the entire amount of such lien or encumbrance is fully paid by the owner of said motor vehicle trailer or semi-trailer A corrected certificate of title without statement of liens or encumbrances shall be issued by the department upon request of the owner when original certificate of title is returned with proper evidence that all said liens or encumbrances have been satisfied or when the original certificate of title cannot be returned and proper evidence is produced that all said liens or encumbrances have been satisfied or when the lien or encumbrance upon the motor vehicle trailer or semi-trailer has not been renewed within the three years immediately preceding the issuance of such corrected certificate of title providing that the computation of three years shall not include time before June first one thousand nine hundred thirty-seven

(c) An encumbrance or lien may be renewed within the six months immediately preceding its expiration for as many one-year periods as may be necessary by the holder of such encumbrance or lien upon a form furnished by the department which shall be signed by and verified by oath or affirmation of the holder of the encumbrance or lien

[(c)] (d) A certificate of title may be renewed when record of certificate of title has been cancelled by the department

Penalty Any person failing to deliver upon demand a satisfied certificate of title as required by the provisions of subsection (b) of this section shall upon summary conviction before a magistrate for a first offense be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for every subsequent failure to deliver upon demand such satisfied certificate of title be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person failing to return to the Department a certificate of title where there are subsequent liens or encumbrances for correction and delivery as required by the provisions of sub-section (b) of this section shall upon summary conviction before a magistrate be sentenced to

pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for every subsequent failure to return such certificate of title shall be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonmet for not more than ten (10) days provided that no person shall be deemed guilty of a violation of this section if he shall deliver the certificate of title to the department within forty-eight (48) hours of the satisfaction of any lien or encumbrance

Section 204 Issuance of Certificate of Title It shall be lawful for the secretary to issue in the name of the first owner of a new or re-built motor vehicle trailer or semi-trailer a certificate of title if such owner presents to the secretary an application for certificate of title duly made and acknowledged by the manufacturer jobber or dealer and assigned to such owner accompanied by the fees prescribed in this act

Section 207 Assignment of Certificate of Title

(a) In the event of the sale or transfer of the ownership of a motor vehicle trailer or semi-trailer for which certificate of title has been issued the owner of such motor vehicle trailer or semi-trailer shall execute an assignment of the certificate of title to the purchaser or transferee with warranty of title with a statement of all liens encumbrances or legal claims on said motor vehicle trailer or semi-trailer the name and address of the holder of said liens encumbrances or legal claims sworn to before a notary public or other officer empowered to administer oaths and deliver the same to the purchaser or transferee at the time of the delivery to him of such motor vehicle trailer or semi-trailer

(b) The purchaser or transferee except as herein provided shall within [thirty (30)] fifteen (15) days of such assignment or re-assignment of certificate of title on a re-assignment form furnished by the department present to the secretary such assigned certificate of title or re-assignment form sworn to before a notary public or other officer empowered to administer oaths with the assigned certificate of title attached thereto together with a statement of all liens encumbrances or legal claims on said motor vehicle trailer or semi-trailer with application for certificate of title and accompanied by the fee prescribed in this act whereupon a new certificate of title may be issued in the name of the owner

(c) When the purchaser or transferee of a motor vehicle trailer or semi-trailer is a manufacturer jobber or dealer who holds the same for re-sale such manufacturer jobber or dealer shall not be required to apply for a certificate of title as provided for in subsection (b) of this section but such manufacturer jobber or dealer shall within ten (10) days from the date of assignment of the certificate of title to such manufacturer jobber or dealer notify the department upon a form prescribed and furnished by it of the acquisition of such motor vehicle trailer or semi-trailer The manufacturer jobber or dealer's notification as to any motor vehicle trailer or semi-trailer so acquired must be executed in duplicate the original of which must be forwarded to the department as herein required and the duplicate shall be retained by such manufacturer jobber or dealer and shall be exhibited with the assigned certificate of title upon request of any peace officer or department employe

The manufacturer jobber or dealer upon transferring his interest in said motor vehicle trailer or semi-trailer shall execute and deliver to the purchaser thereof an assignment upon a form prescribed and furnished by the department to which shall be attached the assigned and executed application for certificate of title by such manufacturer jobber or dealer Thereupon the purchaser of said motor vehicle trailer or semi-trailer shall apply for a certificate of said title within fifteen (15) days of the assignment by the manufacturer jobber or dealer Provided however The provisions of this subsection shall not apply to a motor vehicle trailer or semi-trailer repossessed upon default of the performance of the terms of a lease contract of conditional sale or other like agreement or when ownership of a motor vehicle trailer or semi-trailer is transferred from one manufacturer jobber or dealer to another manufacturer jobber or dealer

Penalty Any person violating any of the provisions of subsection (a) or (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days Any person violating any of the provisions of subsection (c) of this section shall upon summary conviction before a magistrate for a first offense be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days for a second offense the fine shall be fifty ($50) dollars and costs of prosecution and in default of the payment thereof such person shall undergo imprisonment for not more than twenty (20) days

Section 208 Change of Ownership by Operation of Law and Judicial Sale In the case of the transfer of ownership or possession of a motor vehicle trailer or semi-trailer by operation of law as upon inheritance device or bequest order in bankruptcy insolvency replevin or execution sale or whenever a motor vehicle trailer or semi-trailer is sold at public sale to satisfy storage or repair charges or repossession is had upon default in performance of the terms of a lease contract of conditional sale or other like agreement made upon or in connection with any encumbrance or lien recorded and continuing of record in the department it shall thereupon become the duty of the person from whose possession such motor vehicle trailer or semi-trailer was taken if there are no liens encumbrances or legal claims thereon and without prejudice to his rights in the premises immediately to surrender the certificate of title for such motor vehicle trailer or semi-trailer to the person to whom possession of such motor vehicle trailer or semi-trailer has so passed The secretary upon surrender of prior certificate of title or when that is not possible or when the certificate of title for such motor vehicle trailer or semi-trailer is held by a person holding a first lien encumbrance or legal claim thereon upon presentation of satisfactory proof to the secretary of ownership and right of possession to such motor vehicle trailer or semi-trailer and upon payment of the fee prescribed in this act and presentation of application for certificate of title may issue to the applicant to whom possession of such motor vehicle trailer or semi-trailer has so passed a certificate of title thereto but where a first lien encumbrance or legal claim upon such motor vehicle trailer or semi-trailer is held by another the secretary shall deliver the said certificate of title containing thereon a statement of the liens encumbrances or legal claims upon such motor vehicle trailer or semi-trailer to the person holding such first lien encumbrance or legal claim which shall be retained by such person until the entire amount of such first lien encumbrance or legal claim is fully paid by the owner of said motor vehicle trailer or semi-trailer when the said certificate of title shall be delivered to said owner by the person who held the first lien encumbrance or legal claim with proper evidence of satisfaction of same A corrected certificate of title without statement of liens encumbrances or legal claims shall be issued by the secretary upon request of the owner when the original certificate of title is returned with proper evidence that all said liens encumbrances or legal claims have been satisfied or when the original certificate of title cannot be returned and proper evidence is produced that all said liens encumbrances or legal claims have been satisfied or when the lien or encumbrance upon the motor vehicle trailer or semi-trailer has not been renewed within three (3) years immediately preceding the issuance of such corrected certificate of title The certificate of title when issued by the secretary showing a lien or encumbrance shall be adequate notice to the Commonwealth creditors and purchasers that a lien against the motor vehicle trailer or semi-trailer exists and failure to transfer possession of the vehicle trailer or semi-trailer shall not invalidate said lien or encumbrance Provided That the secretary shall not incur any personal liability in carrying out the provisions of this section or in furnishing any information from the records of the department with respect to the existence or

non-existence of any lien or encumbrance on any motor vehicle trailer or semi-trailer

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 209 Records of Stolen Motor Vehicles

(a) It shall be the duty of the secretary whenever he receives report of the theft of a motor vehicle trailer or semi-trailer whether the same has been registered or not and whether owner in this or any other state together with the name and manufacturer's serial number thereof to make a distinctive record thereof and file the same in numerical order of the manufacturer's serial number with the records of the vehicles trailer or semi-trailers of such name already titled Such records may at the discretion of the secretary be destroyed after three (3) years

(b) In the event of the receipt of an application for a certificate of title of such motor vehicle trailer of semi-trailer the secretary shall immediately notify the rightful owner thereof and shall withhold the issuing of such certificate of title until the proper investigation shall have been made

(c) In the event of the recovery of a stolen motor vehicle trailer or semi-trailer of which the secretary has been notified it shall be the duty of the owner to notify the secretary immediately

(d) It shall be the duty of every peace officer having knowledge of a stolen motor vehicle trailer or semi-trailer immediately to furnish the secretary with full information in connection therewith

(e) The secretary shall prepare a report listing motor vehicles trailers or semi-trailers stolen and recovered as disclosed by the reports submitted to him to be distributed as he may deem advisable

Penalty Any person violating any of the provisions of sub-section (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 210 Destruction and Cancellation of Records of Certificates of Title Notice of Junking Motor Vehicles

(a) The secretary shall maintain a record of certificates of title issued and may after three (3) years from year of issue at his discretion destroy such records

(b) The owner of a motor vehicle trailer or semi-trailer shall notify the secretary within ten (10) days of the destruction or junking of any motor vehicle trailer or semi-trailer and return certificate of title to the department for cancellation of record

(c) Any owner who sells a motor vehicle trailer or semi-trailer as scrap or to be destroyed or junked shall assign the certificate of title thereto to the person to whom the motor vehicle trailer or semi-trailer is sold but shall return such assigned certificate of title to the department immediately with an application for a certificate of junk whereupon the department shall issue to the person shown as the assignee a certificate of junk which shall authorize the holder thereof to possess transport or by endorsement transfer ownership in such junked motor vehicle trailer or semi-trailer and a certificate of title shall not again be issued for such motor vehicle trailer or semi-trailer

(d) The secretary upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of such other state or foreign country may cancel such record of certificate of title

(e) The secretary upon receipt of certification from the clerk of the courts showing conviction for a misstatement of facts on an application for certificate of title or duplicate thereof or any assignment of certificate of title shall forthwith cancel the record of such certificate of title assignment or duplicate certificate and require that the certificate of title be returned immediately to the department for cancellation of record

(f) The secretary may cancel any record of certificate of title when check received in payment of fee therefor is not paid on demand

(g) The secretary may cancel the certificate of title issued for a new motor vehicle trailer or semi-trailer in the possesion of a dealer when it is shown by satisfactory evidence that the motor vehicle trailer or semi-trailer has been returned to the manufacturer jobber or dealer from whom obtained

(h) It shall be unlawful to purchase or sell a certificate of title or certificate of junk Peace officers or department representatives may confiscate such certificate when unlawfully possessed or used

(i) The secretary may cancel the record of certificate of title of any motor vehicle trailer or semi-trailer when registration has not been applied for within any of the three (3) immediate preceeding years

Penalty Any person violating any of the provisions under subsection (b) (c) or (h) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than (10) days

Section 2121 Other Penalties Any person who shall be convicted of any of the following offenses shall be guilty of a felony and shall upon conviction thereof in a Court of Quarter Sessions be sentenced to pay the following fines and costs of prosecution or to undergo imprisonment for the terms indicated or both for each offense

(a) Altering or forging any certificate of title to a motor vehicle trailer or semi-trailer or any assignment thereof or possessing or using any such certificate or assignment knowing the same to have been altered or forged not more than one thousand ($1,000) dollars or not more than two (2) years or both such fine and imprisonment

(b) Procuring or attempting to procure certificate of title to a motor vehicle trailer or semi-trailer or passing or attempting to pass certificate of title or any assignment thereof to a motor vehicle trailer or semi-trailer knowing or having reason to believe that such motor vehicle trailer or semi-trailer has been stolen not more than one thousand ($1,000) dollars or not more than two (2) years or both such fine and imprisonment

Section 301 Possession or Operation of a Motor Vehicle Trailer or Semi-Trailer with Defaced Numbers It shall be unlawful to have possession of or to operate a motor vehicle trailer or semi-trailer on which the manufacturer's serial number or engine number has been omitted obliterated or defaced Provided however That this shall not affect those persons authorized by law to have in their possession motor vehicles trailers or semi-trailers on which the manufacturer's serial number or engine number has been omitted obliterated or defaced

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a Court of Quarter Sessions be sentenced to pay a fine of two hundred ($200) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment

Section 302 Special Number Plate

(a) No motor vehicle trailer or semi-trailer on which the manufacturer's serial number or engine number has been omitted obliterated or defaced shall be titled without special permit from the secretary

(b) Before a certificate of title for any such motor vehicle trailer or semi-trailer can be obtained the owner shall apply to the secretary for a special number plate on a form furnished by the Department which shall contain the full name and the actual or bona fide address of the owner the date of purchase of such motor vehicle trailer or semi-trailer the name and address of the person from whom it was purchased together with satisfactory evidence that the engine or manufacturer's serial number was not removed for the purpose of concealing the identity of such vehicle trailer or semi-trailer and shall be sworn to before a notary public or other officer empowered to administer oaths The secretary shall furnish a special number plate which shall be immediately placed on the component part from which the original number was

destroyed removed covered altered or defaced and the certificate of title will not be valid until this special number requirement has been complied with Such special number shall be preceded by the letter "S" and followed by "Pa"

Section 305 Officer to Seize Motor Vehicle Trailer or Semi-Trailer Having Defaced Numbers Authority to Dispose of same

(a) It shall be the duty of every peace officer having knowledge of a motor vehicle trailer or semi-trailer on which the engine number or manufacturer's number has been destroyed removed covered altered or defaced to immediately seize and take possession of such motor vehicle trailer or semi-trailer and arrest or file information for the arrest of the supposed owner or custodian thereof It shall be the duty of the court to retain in custody the seized motor vehicle trailer or semi-trailer pending prosecution of the person arrested and in case such person shall be guilty said motor vehicle trailer or semi-trailer shall remain in the custody of the court until the fine and costs of prosecution shall be paid Provided however if ninety (90) days have elapsed after judgment has been rendered and such fine and costs have not been paid the court shall proceed to advertise and sell said motor vehicle trailer or semi-trailer in the manner provided by law for the sale of personal property under execution

The proceeds from such sale shall be used to pay the fine and costs of prosecution and the balance if any shall be forwarded to the department and same shall be transmitted to the State Treasury and credited to the "Motor License Fund"

(b) If ownership to such motor vehicle trailer or semi-trailer is not established to the satisfaction of the court said motor vehicle trailer or semi-trailer shall be confiscated by the court and sold immediately and the proceeds thereof shall be used to pay the cost of proceedings and the balance if any shall be forwarded to the department and same to be transmitted to the State Treasury and credited to the "Motor License Fund"

Section 306 Sale of Motor Vehicle Trailer or Semi-Trailer with Defaced Number

Any person selling or offering for sale in this Commonwealth a motor vehicle trailer or semi-trailer on which the engine number or manufacturer's serial number has been destroyed removed covered altered or defaced with knowledge of said destruction removal covering alteration or defacement of said engine number or manufacturer's serial number shall be guilty of a felony and shall upon conviction thereof in a Court of Quarter Session be sentenced to pay a fine of five thousand ($5,000) dollars and costs of prosecution or undergo imprisonment for not more than ten (10) years or suffer both such fine ann imprisonment

Section 401 Registration of Motor Vehicles Trailers and Semi-Trailers Required

(a) Except as is hereinafter provided no motor vehicle trailer or semi-trailer shall be operated upon any highway in this Commonwealth until such motor vehicle trailer or semi-trailer shall have been properly registered with the department as hereinafter provided and the registration plate or plates that have been issued for the vehicle for the current year are received and displayed as required by this act and no motor vehicle shall be registered until a certificate of title has been obtained therefor

(b) The owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for compensation either regularly according to schedule or for a period exceeding thirty (30) days in the calendar year unless exempted from registration under the terms of a reciprocity agreement shall register such vehicle and pay the same fees therefore as are required for like vehicles owned by resident of this Commonwealth

(c) Every non-resident including any foreign corporation carrying on business within this Commonwealth and owning and regularly operating in such business any motor vehicle trailer or semi-trailer exclusively within this Commonwealth unless exempted from registration under the terms of a reciprocity agreement shall be required to register each vehicle and pay the same fee therefor as is required with reference to like vehicles owned by residents of this Commonwealth

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 405 Registration Cards

(a) The department upon registering a vehicle shall issue to the owner a registration card which shall contain the registration number assigned to the owner and to the vehicle the name and address of the owner also a description of the vehicle including the engine and manufacturer's serial numbers thereof and such other statement of facts as may be determined by the department

(b) The owner upon receiving the registration card shall sign the usual signature or name of such owner with pen and ink in the space provided

(c) In the event of a lost destroyed or illegible registration card it shall be the duty of the owner to apply to the department for a duplicate within forty-eight (48) hours of his discovery of the loss or defacement of such registration card upon a form furnished by the department and accompanied by the fee provided in this act

(d) No owner or operator of a vehicle shall be subject to a fine for failure to have registration card if he makes affidavit that the same was lost or stolen within the period of the twenty (20) days preceding and that application for new registration card was made within forty-eight (48) hours as required herein

(e) In the event of a change of name or address of the owner as appearing on the registration card it shall be the duty of such owner to notify the department within forty-eight (48) hours of such change of name or address

Penalty Any person violating the provisions of subsections (b) or (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five ($5) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 409 Registration by Non-residents

[(a) Non-residents of this Commonwealth except as otherwise provided in this act will be exempt from the provisions of this act as to the registration of motor vehicles trailers and semi-trailers for the same time and to the same extent as like exemptions are granted residents of this Commonwealth under the laws of the foreign country or state of their residence Provided That they shall have complied with the provisions of the law of the foreign country or state of their residence relative to the registration and equipment of their motor vehicles trailers and semi-trailers and shall conspicuously display the registration plates as required thereby and have in their possession the registration certificate issued to such vehicle

(b) The owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for compensation either regularly according to schedule or for a period exceeding thirty (30) days in the calendar year shall register such vehicle and pay the same fees therefor as are required for like vehicles owned by residents of this Commonwealth

(c) Every non-resident including any foreign corporation carrying on business within this Commonwealth and owning and regularly operating in such business any motor vehicle trailer or semi-trailer exclusively within this Commonwealth shall be required to register each such vehicle and pay the same fee therefor as is required with reference to like vehicles owned by residents of this Commonwealth

Penalty Any person violating any of the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of

the provisions of subsection (b) or (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days]

(a) The secretary shall have the authority to make agreements with the duly authorized representatives of other states exempting the residents of such other states using the highways of this Commonwealth from the payment of all or any taxes fees or other charges imposed under this act with such restrictions conditions and privileges or lack of them as he may deem advisable providing that all vehicles owned by non-residents shall be properly registered in the state of the residence of their owner and shall conspicuously display a registration plate and that residents of this Commonwealth when using the highways of such other state shall receive exemptions of a similar kind to a like degree

(b) The secretary shall also have the authority to make agreements with the duly authorized representatives of other states exempting the residents of such other states using the highways of this Commnowealth from compliance with any or all of the provisions of article eight and article nine of this act with such restrictions conditions and privileges or lack of them as he may deem advisable providing that all vehicles owned by non-residents shall conspicuously display a registration plate and comply with all the provisions of the laws of the state of residence of their owner relating to equipment of vehicles and that residents of this Commonwealth when using the highways of such other state shall receive exemptions of a similar kind to a like degree

(c) If by the laws of any other state any taxes fees charges fines penalties or other obligations or prohibitions relating to equipment size weight and construction of vehicles or restrictions or limitations of any kind whatsoever are imposed upon the vehicles of residents of this Commonwealth additional to or in excess of those imposed by this Commonwealth upon the vehicles of residents of any other state the secretary shall have the authority to impose and collect taxes fees or charges in a like amount and provide for similar fines penalties obligations and prohibitions upon the owner or operator of a vehicle registered in such other state so long as the laws of such other state remain in force and effect

(d) Where provisions relating to the equipment size weight or construction of vehicles engaging in interstate commerce are included within or prohibited by any Federal law or regulation now existing or hereafter to be enacted or adopted the secretary shall have the authority to exempt from the operation of any or all of the provisions of articles eight and nine of this act any or all classifications of vehicles registered in this Commonwealth with such restrictions conditions and privileges or lack of them as he may deem advisable Vehicles so exempted shall be subject to the laws or regulations enacted or adopted by the Federal government relating to the equipment size weight or construction of such vehicles to the same extent and with the same force and effort as if such laws or regulations were expressly set forth in this act Prosecutions and arrests for violations of such laws or regulations shall be brought or made subject to the conditions herein described with the same limitations as is now or may hereafter be provided for other prosecutions and arrests made under this act

Penalty Any person owning or operating a vehicle not registered in this Commonwealth in violation of the terms of any agreement made under this section or in the absence of any agreement shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days or suffer such other penalty as the secretary may prescribe under subsection (c) of this section

Section 411 Transfer of Registration

(a) Upon transfer of ownership or the destruction of any motor vehicle trailer or semi-trailer the registration shall expire [except in the case of the transfer of ownership from husband and wife jointly to either spouse and in such case transfer of registration shall be made upon the joint application of husband and wife and upon the payment of the fee prescribed in section seven hundred and fifteen]

(b) When transfer is made from one registration classification to another registration classification application shall be made immediately to the department upon a form furnished by the department upon payment of the transfer fee provided in this act when the motor vehicle trailer or semi-trailer is of equal or less horsepower or classification than that originally registered or upon payment of the transfer fee provided in this act and the difference between the fee originally paid and that due if the motor vehicle trailer or semi-trailer be properly registered in a higher class

(c) The application shall contain the full name and the actual or bona fide address of the owner together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of a commercial motor vehicle the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semi-trailers the combined weight of the chassis and body and also such description of the motor vehicle trailer or semi-trailer including lamps and other equipment as the secretary shall require The application shall be signed by the owner if a natural person and in the cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by the said corporation copartnership or association to sign the same

(d) When transfer of registration is made the owner shall be given a transfer registration card and new registration number if transfer is made to another classification

(e) When a transfer of registration is made after a vehicle has been registered for the succeeding year and the transfer application has been received and completed by the department prior to January first of such succeeding year the transfer fee provided in this act shall not be required

Penalty Any person violating any of the provisions of subsection (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 502 Use of Manufacturer's Jobber's and Dealer's Registration Plates Limited Registration plate or plates issued in the "Dealer's Class" may be use on any motor vehicle trailer or semi-trailer owned or in the possession of a manufacturer jobber or dealer and operated by such manufacturer jobber or dealer or the employe of such manufacturer jobber or dealer when such motor vehicle trailer or semi-trailer is used (a) in the motor vehicle business of such manufacturer jobber or dealer (b) for the personal pleasure of such manufacturer jobber or dealer or the members of his family when operated by such manufacturer jobber or dealer or an immediate member of his family (c) for teaching a new operator how to operate a motor vehicle if such new operator has procured a learner's permit and for such new operator to take an examination for an operator's license or (d) for testing motor vehicles trailers or semi-trailers in the possession of such manufacturer jobber or dealer or (e) for demonstrating motor vehicles trailers or semi-trailer in the possession of such manufacturer jobber or dealer and such vehicles may be operated by a prospective purchaser when licensed as an operator or permittee and when accompanied by the manufacturer jobber or dealer or an employe of such manufacturer jobber or dealer provided that in no event shall manufacturers jobbers or dealers registration plates be used for any purpose other than as limited in this section

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a

magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 510 The Expiration of Registration Plates

(a) All registration plates shall expire December thirty-first of the year for which they are issued unless sooner suspended for cause by the secretary but the registration plate or plates for the succeeding year may at the option of the owner be used on and after December fifteenth of the current year

(b) No motor vehicle trailer or semi-trailer shall be operated after December thirty-first with registration plates for the previous year nor without registration plates on claim by the owner or operator that registration plates for the current year have been applied for but not received except that where the secretary has extended the expiration date registration plates for the previous year may be used until such expiration date

(c) The secretary may in his discretion extend the expiration date of all registration plates until a date not later than January fifteenth

Penalty Any person violating any of the provisions of sub-section (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than five days

Section 603 Non-residents When Exempt from License

(a) A non-resident who has been duly licensed as an operator under a law requiring the licensing of operators in his home state or country and who has in his immediate possession a valid operator's license issued to him in his home state or country shall be permitted without examination or operator's license under this act to operate a motor vehicle upon the highways of this Commonwealth for the same time and to the same extent as like exemptions are granted residents of this Commonwealth under the laws of the foreign state or country

(b) It shall be unlawful for any non-resident except as herein provided whose home state or country does not require the licensing of operators to operate any motor vehicle upon any highway in this Commonwealth without first making application for and obtaining a license as an operator as required under this act except that any said unlicensed non-resident who is the owner of a motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident may operate motor vehicles upon the highways of this Commonwealth for the same time and to the same extent as like exemptions are granted residents of this Commonwealth under the law of the state or country of the non-resident without making application for or obtaining an operator's license under this act upon condition that the non-resident owner has in his immediate possession a registration card evidencing such ownership and registration in his home state or country Provided That unlicensed non-resident operators not the owners of motor vehicles registered in states or countries not requiring an operator's license may operate any motor vehicle properly registered in their home state or country on any highway within this Commonwealth without making application for or obtaining an operator's license under this act upon condition that they may be required at any time or place to prove lawful possession of such motor vehicle and proper identity

(c) Provided That non-resident operators operating motor vehicles within this Commonwealth [for the transportation of persons] for compensation [either regularly according to a schedule or] for a period exceeding thirty (30) days in the calendar year shall be required to obtain a Pennsylvania operator's license

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 604 Persons Not to Be Licensed

(a) An operator's license or learner's permit shall not be issued to any person under the following conditions

1 When less than [sixteen (16)] eighteen (18) years of age Unless such person is sixteen (16) years of age or more and includes with his application for an operator's license or learner's permit a statement of his parent or a person in loco parentis made under oath or affirmation that such applicant has the consent of such parent or person in loco parentis to obtain a learner's permit or operator's license or unless such person is in possession of a valid learner's permit or operator's license before the effective date of this act

2 When operating privilege is suspended

3 When operating privilege is revoked

4 When applicant's name appears upon department's prohibitory list or when the privilege to apply for an operator's license or learner's permit has been suspended and before such privilege has been re-instated

5 To an habitual drunkard or addict to the use of narcotic drugs

6 When adjudged insane or an idiot imbecile epileptic or feeble-minded until restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon certification by the superintendent or medical director that such person is competent nor then unless the secretary is satisfied such person is competent to operate a motor vehicle with safety to persons and property

7 When afflicted with or suffering from a physical or mental disability or disease or from a weakness or disability in vision or hearing which in the opinion of the secretary will prevent such person from exercising reasonable and ordinary control over a motor vehicle

8 When unable to understand warning or direction signs in the English language

(b) Physical disability includes the [following]

[1 Loss of the use of both hands] loss of the use of both hands

2 Less than fifty (50) per centum of normal vision with the aid of glasses (To possess fifty (50) per centum of normal vision one must be able with one eye to read all the letters on the seventy (70) line of the Standard Snellen Type Chart at a distance of twenty (20) feet

3 Less than two (2) per centum of normal hearing (To possess two (2) per centum of normal hearing one must respond when addressed in a natural tone of voice by another standing one (1) foot behind)]

(c) The secretary may issue an operator's license or learner's permit to a person [having less than two (2) per centum of normal hearing] afflicted with or suffering from a weakness or disability in vision or hearing upon the receipt of such evidence or demonstration as shall satisfy him that such person has had sufficient experience in the operation of a motor vehicle to enable him to do so without endangering the safety of the public and provide that such person shall not operate a motor vehicle unless same is equipped with a mirror so located as to reflect to the operator a view of the highway for a distance of at least two hundred (200) feet to the rear

Section 606 Learner's Permits

(a) The department upon receiving from any person [sixteen (16)] eighteen (18) years of age or over or upon receiving from any person less than eighteen (18) years of age and more than sixteen (16) years of age when accompanied by an affidavit of consent of a parent or person in loco parentis an application for a learner's permit may in its discretion issue such a permit entitling the applicant while having such permit in his immediate possession to operate a motor vehicle upon the highways for a period of [sixty (60)] ninety (90) days from date of issue or until such learner has failed three (3) times at any time within the ninety (90) day period the examination prescribed by the secretary and when accompanied by a licensed operator who is actually occupying a seat beside the holder of the learner's permit except that permittees operating motorcycles or bicycles with motor attached need not be so accompanied

[(b)] (b) Every application for learner's permit shall be sworn to before a notary public or other officer empowered to administer oaths on a form provided by the department and accompanied by the fee provided in this act and shall state the name age sex and actual or bona fide address of the applicant together with any other in-

formation the secretary may desire and whether or not the applicant has heretofore been licensed as an operator and if so when and by what state and whether or not such license has ever been revoked or suspended and if so the date of and reason for such suspension or revocation When the application for a learner's permit is made by a person more than sixteen (16) years of age and less than eighteen (18) years of age it shall be accompanied by the written consent of a parent or a person in loco parentis under oath or affirmation of such parent or person in loco parentis

Penalty Any person violating any of the provisions of subsection (a) or (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 608 Examination of Applicants and Operators

(a) Before issuing an operator's license to any permittee except as otherwise provided the secretary shall require the applicant to demonstrate personally to him or his representative in such a manner as the secretary may direct that such applicant is a proper person to operate a motor vehicle has sufficient knowledge of the mechanism of motor vehicles to insure their safe operation and a satisfactory knowledge of the laws and regulations concerning motor vehicles and their operation

(b) The secretary may issue an operator's license either unlimited or containing certain restrictions or limitations as the secretary may deem advisable

(c) The secretary may in his discretion waive the examination of any person applying for the renewal of an operator's license issued under this act

(d) The secretary may in his discretion issue an operator's license under this act without examination to any person applying therefore who is of sufficient age as required by this act to receive the license applied for when the secretary is satisfied that the applicant is fully qualified as an operator of motor vehicles and to any person who at the time of such application has a valid unrevoked license of like nature issued to such person in another state under a law requiring the licensing and examination of operators

(e) Following any examination and pending the issue of the operator's license the secretary's representative may authorize any applicant who has qualified as an operator to operate a motor vehicle with his learner's permit card and without being accompanied by a licensed operator provided such learner's permit card is properly approved for such purpose

(f) The secretary may in his discretion require the special examination by such agencies as the secretary may direct of any applicant for learner's permit or operator's license or of any operator to determine incompetency physical or mental disability or disease or any other condition which might prevent such applicant from exercising reasonable and ordinary control over a motor vehicle

Section 611 Duplicate License Cards

(a) In the event that an operator's license or learner's permit shall be lost or destroyed or become illegible the person to whom the same was issued shall make application to the department upon a form furnished by the department accompanied by the fee provided in this act for a duplicate thereof

(b) No owner or operator of a motor vehicle shall be subject to a fine for the reason that an operator's license or learner's permit is lost if he makes affidavit that the same was lost or stolen within the period of twenty (20) days preceding and that application for duplicate operator's license or learner's permit was made within forty-eight (48) hours of discovery of loss of same

(c) In the event of a change of name or address of the operator as appearing on the operator's card it shall be the duty of such operator to notify the department within forty-eight (48) hours of such change of name or address

Penalty Any person violating any of the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five ($5) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 614 Revocation of Operating Privilege

(a) Upon receiving a certified record from the clerk of the court of proceedings in which a person pleaded guilty entered a plea of nolo contendere or was found guilty by a judge or jury of any of the crimes enumerated in this section the secretary shall forthwith revoke for a period of one (1) year from the date of revocation the operating privilege of any such person and where such person was convicted or entered a plea of guilty or nolo contendere of any one of the crimes enumerated in clauses (1) (2) [and] (3) and (4) of this section such operating privilege shall not be restored unless and until the fine and costs imposed in such cases have been fully paid The clerk of the courts shall when such fine and costs have been so paid in any such case certify such fact to the Department of Revenue

1 Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

2 Using a false or fictitious name or giving a false or fictitious address in any application or form required under the provisions of this act or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any application

3 Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used

4 Conviction of an operator of a motor vehicle involved in an accident resulting in injury or death to any person or damage to property upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident

(b) The secretary upon receiving a certified record from the clerk of the court of the conviction of any person upon a charge of operating a motor vehicle while the operator's license or learner's permit of such person is revoked shall immediately extend the period of such first revocation for an additional like period

(c) The secretary upon revoking any operator's license or learner's permit shall require that such license of any operator whose license or permit is so revoked shall immediately be surrendered to and retained by the department

Section 615 Suspension of Licenses or Operating Privileges

(a) The secretary may suspend the operating privilege of any person with or without a hearing before the secretary or his representative upon receiving a record of proceedings if any in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a judge or jury whenever the secretary finds upon sufficient evidence

1 That such person is incompetent to operate a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to operate a motor vehicle upon the highways

2 That such person has been convicted of a misdemeanor or has forfeited bail upon such a charge in the commission of which a motor vehicle was used

3 That such person has been convicted of manslaughter resulting from the operation of a motor vehicle

4 That such person has attempted by offering a bribe or by other fraud or by substitution of another person in his place to take or pass an examination for an operator's license

(b) The secretary may suspend the operator's license or learner's permit of any person after a hearing before the secretary or his representative or upon failure of the said person to appear at such hearing whenever the secretary finds upon sufficient evidence

1 That such person has committed any offense for the conviction of which mandatory revocation of license is provided in this act

2 That such person has committed any violation of the motor vehicle laws of this Commonwealth

3 That such person has failed to file a report with the department of a motor vehicle accident as required by this act

4 That such person was operating any motor vehicle involved in an accident resulting fatally to any person

5 That such person is incompetent or unable to exercise reasonable and ordinary control over a vehicle

6 That such person has failed to pay a fine properly imposed by any court of this Commonwealth or of any state or has failed to appear for a hearing before a court of competent jurisdiction of this Commonwealth or of any state upon being notified as provided by law

(c) The secretary may suspend any operator's license or learner's permit when check submitted in payment is returned to the department because of insufficient funds or is not paid on demand and may delegate authority to any department employe or peace officer to lift operator's license or learner's permit card so cancelled

(d) The secretary is hereby authorized to suspend the privilege of any non-resident to operate a motor vehicle in this Commonwealth for any cause for which the license of a resident operator may be suspended or revoked The secretary is further authorized upon receiving a record of the conviction in this Commonwealth of a non-resident operator of a motor vehicle of any offense under the motor vehicle laws of this Commonwealth to forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident

(e) The secretary is hereby authorized after a hearing before the secretary or his representative or upon failure of the said person to appear at such hearing to suspend the operator's license or learner's permit if any person licensed in this Commonwealth upon receiving notice of the conviction of such person in another state of an offense therein which if committed in this Commonwealth would be grounds for the suspension or revocation of the license of an operator

(f) The secretary may suspend any operator's license or learner's permit upon certification or request or order of any court or commission duly authorized under the laws of this Commonwealth and empowered by such laws to make such certifications requests or orders

(g) The secretary upon suspending any operator's license or learner's permit shall require that such licenses of any operator whose license or permit is so suspended shall be surrendered immediately to and retained by the department

(h) Whenever the secretary suspends the operator's license or learner's permit of any person the secretary shall immediately notify such person and afford him an opportunity of a hearing before said secretary or his representative provided such hearing has not already been held and after such hearing the secretary shall either rescind his order of suspension or good cause appearing therefor may suspend the operator's license or learner's permit of such person for a further period

Section 619 Counties and Municipalities Liable for Negligence of Their Employes Every county city borough incorporated town or township within this Commonwealth employing any person shall be jointly and severally liable with such person for any damages caused by the negligence of such person while operating a motor vehicle or fire department equipment upon a highway in the course of their employment and every city borough incorporated town and township shall also be jointly and severally liable with any member of a volunteer fire company of any such city borough incorporated town or township for any damage caused by the negligence of such member while operating a motor vehicle or fire department equipment used by or belonging to such volunteer fire company while going to attending or returning from a fire or while engaged in any other proper use of such motor vehicle or fire department equipment for such volunteer fire company

Section 620 Violation of License Provisions It shall be unlawful for any person to commit any of the following acts

(a) To display or cause or permit to be displayed or to have in possession any operator's license or learner's permit knowing the same to be fictitious or to have been cancelled revoked suspended or altered

(b) To lend to or knowingly permit the use of by one not entitled thereto any operator's license or learner's permit issued to the person so lending or permitting the use thereof

(c) To display or to represent as one's own any operator's license or learner's permit not issued to the person so displaying the same

(d) To fail or refuse to surrender to the department upon demand any operator's license learner's permit registration card registration plates certificate of title or duplicates thereof which have been suspended cancelled or revoked as provided in this act

(e) To make use of or operate any motor vehicle without the knowledge or consent of the owner or custodian thereof

(f) To operate a motor vehicle street car or trackless trolley omnibus while under the influence of intoxicating liquor or any narcotic drug or habit producing drug or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

(g) To turn off any or all the lights on a motor vehicle for the purpose of avoiding identification or arrest

(h) To operate any motor vehicle upon the highways of this Comonwealth after the operating privilege is suspended or revoked and before such operating privilege has been reinstated

(i) To operate any motor vehicle upon the highways of this Commonwealth after its registration has been suspended by the secretary

(j) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act or [knowingly] make a false statement or [knowingly] conceal a material fact or otherwise commit a fraud in any application

Penalty Any person violating any of the provisions of subsections (a) (b) (c) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of subsections (e) (f) (g) (h) (i) or (j) of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a Court of Quarter Sessions be sentenced to pay a fine of [two hundred ($200)] not less than one hundred ($100) dollars and not more than five hundred ($500) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment

Section 712 Lighting Equipment

(a) The fee for approval and registration of head lamps and auxiliary driving lamps shall be one hundred and fifty ($150) dollars for each type approved

(b) The fee for approval and registration of rear lamps signal lamps reflectors flares and mechanical signal devices shall be fifty ($50) dollars for each type approved

(c) The fee for approval and registration incident to the renewal of a certificate of approval for head lamps shall be fifty ($50) dollars

(d) The fee for approval and registration incident to the renewal of a certificate of approval for auxiliary driving lamps rear lamps signal lamps reflectors and mechanical signal devices shall be twenty-five ($25) dollars

(e) The fee for approval and registration of vacuum or pressure hose for power brake systems shall be twenty-five ($25) dollars for each type approved

(f) The fee for approval and registration incidental to the renewal of a certificate of approval for vacuum or pressure hose for power brake systems shall be ten ($10) dollars

(g) The fee for approval and registration of a hitch or coupling device shall be twenty-five ($25) dollars for each type approved

(h) Certificates approving each type of hitch or coupling device hereafter issued by the secretary will not expire until revoked by the secretary

Section 713 Operators' Licenses Duplicate Registration or Operator's License Card

(a) The fee for issuing an operator's license to a person unable to produce satisfactory proof of having held a Pennsylvania operator's license during any one of the three (3) years preceding application shall be [three ($3)] two ($2) dollars which fee shall entitle the applicant for such license to receive a learner's permit valid for [sixty (60)] ninety (90) days from date of issue and if the examination shall have been passed during the [(sixty (60)] ninety (90) day period an operator's license for the current year

(b) The fee for renewal of an operator's license shall be [two ($2) dollars] one ($1) dollar

(c) The fee for a duplicate operator's license card or duplicate rgistration card shall be fifty ($.50) cents

Section 716 Certificates of Title Duplicate Certificates of Title The fee for each certificate of title shall be two ($2) dollars except in the case where the certificate of or dealer [then] and the dealer manufacturer or jobber is possessed of current manufacturers' dealers' or jobbers' registration plates in which case the fee shall be fifty ($.50) cents The fee for a duplicate certificate of title shall be one ($1) dollar

Section 722 Exemptions from Fees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles fire department equipment trailers and semi-trailers owned by and used [by] exclusively in the performance of the duties of (a) the Federal Government (b) any state other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force in the extinguishment and prevention of fires or in rescue work hospital humane society or anti-cruelty society in this Commonwealth (f) the American Red Cross (g) churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post or organization of the American Legion Veterans of Foreign Wars or United Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux (1) mine or industrial ambulances (m) ambassadors ministers [consular-representatives and other diplomatic representatives who are entitled to exemption under the terms of a treaty] foreign consuls general consuls and vice consuls who are nationals of the country appointing them and who are assigned to foreign consulates in this Commonwealth Provided That American consular officers of equal rank who are citizens of the United States and who exercise their official functions at American consulates in such foreign country are granted reciprocal exemptions but all such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semi-trailers

(b) No fee shall be required when a certificate of title or assigned certificate of title is returned to the department for cancellation

(c) No fee shall be charged for replacement or substitution of registration card registration plates operator's license card learner's permit card or certificate of title when satisfactory proof is furnished the secretary of loss of same in the mails

(d) No fee shall be charged for certified copies or certified photostatic copies of any department record furnished to Federal State county or municipal authorities

(e) No fee shall be charged for special hauling permits issued to the Commonwealth of Pennsylvania any city borough incorporated town township county poor or school district of this Commonwealth or anyone entitled to exemption from fees under section seven hundred twenty-two (a) of this act or to anyone hauling equipment or materials for use on a Federal or State Emergency Relief Project

(f) No fee shall be charged for transfer of registration for the succeeding year when such transfer has been received and completd by the department prior to January first of such suceeding year

(g) No fee shall be charged for a certificate of junk issued to any person

(h) No fee shall be charged a manufacturer jobber or dealer for a certificate of title to a motor vehicle when assignment of certificate of title accompanies the application for certificate of title and when the dealer manufacturer or jobber is possessed of current manufacturers' dealers' or jobbers' registration plates

(i) No fee shall be charged for inspection certificates issued to any official inspection station of and when used on vehicles owned by and engaged exclusively in the performance of the official duties of (a) the Federal Government (b) the Commonwealth of Pennsylvania (c) any city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force

Section 801 Required Lighting Equipment

(a) When Lights Must Be Displayed Every vehicle upon a highway within this Commonwealth during the period from one (1) hour after sunset to one (1) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead shall be equipped with lighted lamps and illuminating devices as in this section respectively required for different classes of vehicles

(b) Head Lamps on Motor Vehicles Every motor vehicle other than a motorcycle or bicycle with motor attached shall be equipped with two (2) head lamps and no less at the front of and on opposite sides of the motor vehicle which head lamps shall comply with the requiremenst and limitations set forth in this act and shall be of a type which at the time of their use are approved by the secretary

(c) Head Lamps on Motorcycles Every motorcycle shall be equipped with at least one (1) head lamps and not more than two (2) which shall comply with the requirements and limitations set forth in this act and shall be of a type which at the time of its use is approved by the secretary

(d) Rear Lamps and Illumination of Rear Registration Plate Every motor vehicle and every trailer or semi-trailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicle shall carry at the rear a lamp of a type which at the time of its use is approved by the secretary and which exhibits a read light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle Either such rear lamp or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle When the rear number plate is illuminated by an electric lamp other than the required rear lamp said two (2) lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted

(e) Reflectors Every motor bus motor omnibus commercial motor vehicle trailer or semi-trailer when operated on a highway shall display at the rear a red reflector meeting the following requirments

When a red reflector is so used or whenever [red or green] reflectors are used as hereinafter provided it or they shall be mounted upon the vehicle at a height not to exceed forty-two (42) inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands and every such reflector shall be of a type which at the time of its use is approved by the secretary and shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicle when di-

rectly in front of or opposed to a motor vehicle displaying lawfully lighted head lamps as provided in this act

(f) Every commercial motor vehicle trailer or semi-trailer or every motor omnibus or motor bus except motor buses or motor omnibuses operated entirely within municipalities when their interiors are illuminated shall display lighted lamps at the times mentioned in subsection (a) when and as required in this section except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of five hundred (500) feet

1 Electric Clearance Lamps Every such vehicle having a width at any part in excess of eighty (80) inches shall be equipped with two (2) electric clearance lamps located on the extreme left side of such vehicle One located at the front and displaying [a green] an amber light visible from a distance of five hundred (500) feet to the front of the vehicle and the other located at the rear of the vehicle and displaying a red light visible from a distance of five hundred (500) feet to the rear of the vehicle and said rear electric clearance lamp shall be in addition to the red lamp hereinbefore required Provided however That vehicles equipped with acetylene headlamps may in lieu of such electric clearance lights be equipped with [a green] an amber reflector in front and a red reflector in the rear which shall be so designed and maintained to meet the requirements as to reflectors provided in this section

2 Electric Identification Lamps Front and Rear Every motor vehicle trailer or semi-trailer or combination of such vehicles having a length in excess of thirty (30) feet or a width in excess of eighty (80) inches shall be equipped with electric lamps on the front displaying three (3) [green] amber lights and electric lamps on the rear displaying three (3) red lights and the lights in each such group shall be evenly spaced not less than six nor more than twelve (12) inches apart along a horizontal line near the top of the vehicle and said lights shall be visible from distances of five hundred (500) feet to the front and rear respectively of the vehicle Provided however That vehicles equipped with acetylene headlamps may in lieu of such electric identification lamps be equipped with red and [green] amber reflectors

3 Electric Side Marker Lamps Every such vehicle or combination of such vehicles which exceeds twenty (20) feet in overall length shall be equipped with at least four (4) electric side marker lamps One (1) on each side near the front and one (1) on each side near the rear Said electric lamps near the front shall display [green] amber lights and said electric lamps near the rear shall display red lights each visible from a distance of five hundred (500) feet to the side of the vehicle on which it is located If the electric clearance lamps on the left side of a vehicle as hereinbefore required display lights visible from a distance of five hundred (500) feet at right angles to the left of the vehicle they shall be deemed to meet the requirements as to left marker lamps in this paragraph In lieu of such electric side marker lamps any such vehicle may be equipped with four (4) reflectors two (2) on each side and otherwise meeting the requirements of this act

(g) Lamps on Bicycles Every bicycle and every bicycle with motor attached shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least five hundred (500) feet in front of such bicycle or bicycle with motor atached and shall also be equipped with a red reflector or lamp on the rear exhibiting or reflecting a red light visible under like conditions from a distance of at least five hundred (500) feet to the rear of such bicycle or bicycle with motor attached

(h) Lights on Other Vehicles All vehicles not required in this act to be equipped with specific lighted lamps shall carry one (1) or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front and with a lamp or lantern displaying a red light visible from a distance of five hundred (500) feet to the rear of such vehicles except for vehicles other than motor vehicles loaded with hay or straw in bulk

(i) Lights on Parked Motor Vehicles Whenever a motor vehicle is parked or stopped upon a highway or shoulder adjacent thereto whether attended or unattended during the time when lights are required by this section may in lieu of the lighting equipment specified below show one (1) white or green light carried on the left side of the motor vehicle visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred (500) feet to the rear Provided That local authorities may by ordinance establish zones within which motor vehicles may remain standing without lights Any lighted headlamps upon a parked vehicle shall be depressed or dimmed

Provided That nothing contained in this section shall make unlawful the use of lamps displaying a green light where this section provides for lamps displaying an amber light before the first day of January one thousand nine hundred thirty-eight

Penalty Any person violating any of the provisions of subsections (a) (b) (c) (d) or (e) of thi ssection shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsections (f) (g) (h) or (i) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of two ($2) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than one (1) day

Section 802 Additional Permissible Lights and Devices

(a) Spot Lamps Any motor vehicle or motorcycle may be equipped with not to exceed one (1) spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred (100) feet ahead of the vehicle

(b) Auxiliary Driving Lamps Any motor vehicle may be equipped with not more than three (3) nor less than two (2) auxiliary driving lamps mounted on the front spaced at a distance of not less than twenty (20) inches apart and of a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands which lamps shall comply with requirements and limitations set forth in this act and shall be of types which at the time of their use are approved by the secretary

(c) Signal Lamps and Mechanical Signal Devices

1 Whenever a motor vehicle is equipped with a signal lamp or a signal device so constructed and located on the vehicle as to give a signal of intention to stop or to turn right or left the signal shall be yellow or red in color and shall be plainly visible in normal sunlight and at night from a distance of one hundred (100) feet to the front [or] and from a distance of one (100) feet to the rear of the vehicle but shall not project a glaring or dazzling light and all such signals shall be of [a type] types which at the time of their use are approved by the secretary except that a signal giving the intention to stop shall only be visible from a distance of one hundred (100) feet to the rear

2 When a vehicle is equipped with a mechanical signal the mechanical signal shall be self illuminated when in use at the times mentioned in section eight hundred one (801) and shall be of a type which at the time of its use is approved by the secretary

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.2 [Use of Multiple Beam Road Lighting Equipment

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section eight hundred one (801) the driver shall use a distribution of light or composite beam di-

rected high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle subject to the following requirements and limitations

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

Illuminated Signs Prohibited No vehicle shall bear or display any illuminated signs letters numerals or figures of any kind whatsoever except that a vehicle carrying passengers for hire or a school bus may bear such sign stating its use and destination

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 806 Illegal Sale of Lighting Devices It shall be unlawful for any person to sell or to lease or to offer for sale or lease either separately or as part of the equipment of a motor vehicle any head lamp auxiliary driving lamp or rear lamp or signal unless such device is approved by the secretary and bears the trade mark or name under which it is approved so as to be legible when installed and is accompanied by printed instructions as to the candlepower of bulbs to be used therewith as approved by the secretary and any particular methods of mounting or adjustment so as to focus or aim necessary for compliance with the requirements of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 807 Revocation of Certificates of Approval of Lighting Devices

(a) Any certificate of approval however heretofore or hereafter issued may be revoked by the secretary after a hearing before the secretary or his representative of which the person named therein or his successor in interest shall be given reasonable notice or opportunity to hear or to be heard upon the grounds that the lighting device reflector [or] mechanical signal device or vacuum hose for power brake systems does not comply with the provisions of this act regulations adopted or is not being supplied in production in accordance with specifications original blue print assemblies or sample devices originally submitted However revocation of certificates of approval of devices heretofore or hereafter approved shall not take effect until three (3) months after the decision of the secretary revoking same

(b) The secretary may adopt uniform standard specifications for head lamps auxiliary driving lamps rear lamps [reflector] reflectors or vacuum hose for power brake systems and may promulgate certain rules and regulations not inconsistent with this act to govern his decision in approving any lighting device reflector [or] mechanical signal device or vacuum hose for power brake systems or in revoking any certificate of approval issued for such devices

(c) Certificates approving each type of head lamp device hereafter issued by the secretary will expire and be void after four (4) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of such certificate furnishing two (2) pair of samples for test purpose in accordance with this act together with the fee provided in this act and new certificate of approval has been issued

(d) Certificates approving each type of auxiliary driving lamp rear lamp flares mechanical signal device reflector and signal lamp hereafter issued by the secretary will not expire until revoked for cause by the secretary

(e) When no renewal application is made [and] or when an application for renewal of certificate of approval is refused the head lamp auxiliary driving lamp rear lamp mechanical signal device reflector or signal lamp will become illegal for use on motor vehicles after six (6) years from date of expiration of certificate Provided however New motor vehicles will not be titled unless the lighting devices are of an approved type for which certificates of approval are in effect at the time of application for title

(f) Certificates approving each type of vacuum or pressure hose for power brake systems issued by the secretary shall expire and be void after two (2) years from the date of issue unless the manufacture has prior to the expiration date made application for renewal of such certificate furnishing two (2) pair of samples for test purposes in accordance with this act together with the fee provided in this act or a new certificate of approval has been issued

(g) When no renewal application is made or when an application for renewal of certificate of approval is refused the vacuum or pressure hose for power brake systems will become illegal for use on motor vehicles after two (2) years from the date of expiration of the certificate Provided however That new motor vehicles trailers or semi-trailers will not be titled unless the vacuum or pressure hose for power brake system is of an approved type for which a certificate of approval is in effect at the time of application for title

Section 808 Enforcement and Authority to Refuse Title or Registration

(a) A head lamp or auxiliary driving lamp arranged to provide a single distribution of light will be presumed to project a glaring or dazzling light if the top of any main beam of light projected by it is at a distance of twenty-five (25) feet ahead of the motor vehicle on an approximately level stretch of highway projected on the body of a person or on a motor vehicle or on any object at a height greater than the distance of the centers of the lamps from the highway A head lamp or auxiliary driving lamp arranged to provide a single distribution of light and mounted on a motor vehicle at a height higher than forty-two (42) inches above a highway will be presumed to project a glaring or dazzling light if the top of the beam of light projected by it on an approximately level stretch of highway be higher than forty-two (42) inches above the highway seventy-five (75) feet ahead of the vehicle

(b) The owner or operator of any motor vehicle equipped with approved headlamps auxiliary driving lamps rear lamps or signal lamp who is notified by a peace officer that such lamps are improperly adjusted or are equipped with bulbs of a candle-power not approved for use therewith shall be allowed forty-eight (48) hours within which to adjust and equip such lamps to conform with the requirements of this act To submit a certificate to the peace officer giving the notification issued or executed by an official headlight adjusting station showing that within forty-eight (48) hours after such notification the lamps have been adjusted or equipped to conform with the requirements of this act shall relieve the owner or operator from arrest Unless such certificate is received by the peace officer within five (5) days from the date of notification showing that the lamps have been adjusted or equipped as required in this act information for arrest shall be made

[(c)] Any non-resident not required to register a motor vehicle trailer or semi-trailer shall be exempt from the provisions of this act with regard to lighting equipment for the same period during which such person is exempt from registration under this act if the lighting equipment of such vehicles conforms to the requirements of the laws

of the foreign country or state in which the motor vehicle trailer or semi-trailer is registered]

[(d)] (c) The secretary may refuse to title or issue registration for any motor vehicle the lighting equipment of which is not approved for use in this Commonwealth

Penalty Any person violating any of the provisions of subsections (a) or (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 811 Brakes

(a) Every motor vehicle [titled or registered in] using the highways of this Commonwealth [and when operated upon a highway] shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle including two (2) separate means of applying the brakes each of which means shall be effective to apply the brakes to at least two (2) wheels If these two (2) separate means of applying the brakes are connected in any way they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels

(b) Every motorcycle and bicycle with motor attached [titled or registered in] using the highways of this Commonwealth [and when operated upon a highway] shall be provided with at least one (1) brake which may be operated by hand or foot

(c) Every trailer or semi-trailer having a chassis and body weight of [three thousand (3,000)] one thousand (1,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle for at least fifteen (15) minutes and so designed as to be applied by the driver of the towing vehicle from its cab and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed cehicle the brakes shall be automatically applied

(d) Every new motor vehicle trailer or semi-trailer sold in this Commonwealth on and after January first one thousand nine hundred thirty-six and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle except any motorcycle and except that any semi-trailer having a chassis and body weight of less than one thousand (1,000) pounds need not be equipped with brakes

(e) On a dry hard approximately level stretch of highway free from loose material where the grade does not exceed one (1) per centum the service brakes upon any motor vehicle or combination of vehicles except as herein provided shall be adequate to stop such vehicle or vehicles when traveling at a speed of twenty (20) miles per hour within a distance of thirty (30) feet or at a rate corresponding to such performance

(f) Under the above conditions the emergency brakes shall be adequate to stop such vehicle or vehicles within a distance of fifty-five (55) feet and said emergency brake shall be adequate to hold such vehicle or vehicles stationary upon any grade upon which operated

(g) Under the above conditions the service brakes upon a motor vehicle equipped with two wheel brakes only and when permitted hereunder shall be adequate to stop the vehicle within a distance of forty (40) feet and the emergency brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet

(h) All braking distances specified in this section shall apply to all vehicles mentioned whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act

(i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of [ten ($10)] twenty-five ($25) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 812 Brake Enforcement

(a) It shall be unlawful for any person to operate a motor vehicle or a combination of vehicles upon the highways of this Commonwealth with brakes not conforming with the requirements of this act

(b) It shall be unlawful for any person to operate a motor vehicle without required number of brakes in good working condition The owner or operator of any motor vehicle who is notified by a peace officer that such brake or brakes are improperly adjusted or are unsafe or unfit or in need of correction adjustment or repairs shall be allowed forty-eight (48) hours within which to correct adjust or repair such brakes to conform with the requirements of this act To submit a certificate to the peace officer giving the notification issued or executed by an official brake adjusting station showing that within forty-eight (48) hours after such notification the brakes have been corrected adjusted or repaired to conform with the requirements of this act shall relieve the owner or operator from arrest Unless such certificate is received by the peace officer within five (5) days from the date of notification showing that the brakes have been corrected adjusted or repaired as required in this act information for arrest will be made Provided That when service and emergency brakes applied together will not stop a motor vehicle or combination of vehicles within distances defined in this act or hold a motor vehicle or combination of vehicles stationary on any grade upon which operated the owner or operator may be required to make temporary correction adjustment or repairs before being permitted to proceed with the motor vehicle or combination of vehicles

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 816 Windshields Must Be Unobstructed and Equipped with Wipers

(a) It shall be unlawful for any person to operate any motor vehicle upon a highway with any sign poster or other [non-transparent] material upon the front windshield side wings side or rear windows of such motor vehicle other than a device certificate or other paper [required by law or so] expressly allowed or directed by the secretary to be displayed Provided however that signal lamps of a type approved by the secretary shall not be considered a violation of this section

(b) Every permanent windshield on a motor vehicle shall be equipped with a device for cleaning rain snow or other moisture from the windshield which device shall be so constructed as to be controlled or operated by the operator of the vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five ($5) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 816.1 Safety Glass

(a) The term "safety glass" as used in this section shall be constructed to mean any glass or transparent product approved by the Department of Revenue manufactured or fabricated in such manner as substantially to prevent shattering and flying of the glass or transparent product when struck or broken

(b) It shall be unlawful on and after the first day of January one thousand nine hundred and thirty-four to operate on any public highway or street in this Commonwealth a motor vehicle manufacturer or assembled after said date designed or used for the purpose of carrying passengers for hire or as a public conveyance to transport school children or others unless such vehicle be equipped with safety glass whenever glass is used in doors windows or windshields

(c) It shall be unlawful on and after the first day of January one thousand nine hundred and thirty-five to operate on any public highway or street in this Commonwealth any motor vehicle manufactured or assembled after said date unless such vehicle be equipped with safety glass whenever glass is used in doors windows or windshields

(d) It shall be unlawful on and after January first one thousand nine hundred thirty-eight to operate on any public highway or street in this Commonwealth any trailer or semi-trailer manufacturer or assembled after said date unless such trailer or semi-trailer is equipped with safety glass whenever glass is used in doors windows or windshields

[(d)] (e) the Secretary shall maintain a list of types of safety glass approved by him as conforming to the specifications and requirements for safety glass as set forth in this section and shall not issue a license for or re-license any motor vehicle subject to the provisions of subsections (b) or (c) of this section after the effective date of each subsection unless said motor vehicle is equipped as therein provided with such approved type of safety glass

(f) It shall be unlawful to operate any vehicle on any public highway or street in this Commonwealth unless such vehicle be equipped with safety glass whenever the glass used in the doors windows or windshields is replaced after the effective date of this act

Penalty The owner or operator of any motor vehicle operated in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and default thereof shall undergo imprisonment for not more than ten (10) days

In case of the violation of this act by any common carrier or person operating under a certificate of public convenience issued by the Public Utility Commission such certificate shall be revoked or in the discretion of the commission suspended until the provisions of this section are satisfactorily complied with

Section 823 Official Inspections

(a) [It shall be the duty of the secretary upon proclamation by the Governor to compel] On and after the first day of every May and until and including the thirty-first (31) day of July and on and after the first day of every November and until and including the thirty-first (31) day of January every [resident] owner of a motor vehicle trailer or semi-trailer being operated in this Commonwealth except motorcycles and bicycles with motor attached [to] shall submit [the] such motor vehicle trailer or semi-trailer to such inspection of its mechanism and equipment as may be designated by the secretary

(b) If such inspections disclose the necessity for adjustments corrections or repairs in order to bring the motor vehicle trailer or semi-trailer in conformance with the provisions of this act it shall be compulsory upon the owner to have such adjustments corrections or repairs made within the periods required in this act

(c) The secretary is hereby authorized to designate furnish instructions to [and] supervise and issue inspection certificates to and collect the fees therefor from the official inspection stations as provided in this act for the purpose of such inspections

(d) Such official inspection stations when duly authorized shall issue official certificates of inspection for every motor vehicle trailer or semi-trailer so inspected on a form furnished by the department but no such certificates of inspection shall be issued or displayed on any motor vehicle trailer or semi-trailer or by the owner or operator of any motor vehicle trailer or semi-trailer until and unless the motor vehicle trailer or semi-trailer for which it is issued has been brought into conformance with the requirements of this act

(e) It shall be the duty of such designated official inspection stations to report all such inspections to the secretary on forms furnished by the department and in the event of refusal on the part of any owner or operator to have the necessary adjustments corrections and repairs made the secretary after investigation may invoke the provisions of this act relative to vehicles unsafe or unfit for operation

(f) It the secretary finds that the provisions of this act or the directions of the secretary are not being complied with or that the business of such stations in connection with such inspections is being improperly conducted he may suspend the designation of any such stations

(g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semi-trailer and require the owner or operator to display an official certificate or other satisfactory proof of inspection for the motor vehicle trailer or semi-trailer being operated It shall be unlawful for any such certificate to be displayed on a motor vehicle trailer or semi-trailer or by the owner or operator unless an official inspection of its mechanism or equipment shall have been made and the motor vehicle trailer or semi-trailer conforms to the provisions of this act

(h) [For a further period of three (3) months after the expiration of the inspection period it] It shall be unlawful to operate any motor vehicle trailer or semi-trailer on a highway unless the motor vehicle trailer or semi-trailer has been inspected during the present or previous inspection period and a certificate furnished and displayed or other satisfactory proof of inspection furnished

(i) The Secretary is hereby authorized and required to issue a certificate of school bus inspection for every school bus which conforms with the provisions of this act

(j) The owner of every vehicle which is to be used as a school bus shall in addition to any other inspection required by this act submit such vehicle to the Highway Patrol sometime during every August or prior to operating such vehicle as a school bus during the school year to determine whether such bus conforms with the provisions of this act

(k) No vehicle required to obtain a certificate of school bus inspection shall be operated without such certificate in addition to any other certicate now or hereafter required by law on any of the highways of this Commonwealth

Penalty Any person violating any of the provisions of subsection (d) (e) (g) (h) (i) (j) or (k) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial [motor] vehicle [having a carrying capacity of two tons or over] or combination of vehicles having a gross weight of eleven thousand (11.000) pounds or more and every trailer or semi-trailer designed for the living quarters or carriage of persons shall be equipped with at least three (3) red flags of dimensions not less than twelve by twelve (12 x 12) inches and a sufficient number of flares not less than three (3) or electric lanterns electric flashing signals or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours

Every such flare lantern electric flashing signal or other signal shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purposes of this section

(b) Whenever any such vehicle and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause such flares lanterns flashing signals or other signals to

be lighted and placed upon the highway (100) feet in advance of such vehicle one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle except that if the vehicle is transporting flammables [no open burning flare shall be placed adjacent to any such last mentioned vehicle] such vehicle shall be equipped with a sufficient number of electric flares or electric flashing signals not less than three (3) Whenever any such vehicle is disabled during the period when lighted lamps are not required to be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or whenever a vehicle is disabled upon the highway and by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause the red flags to be placed upon the highway one (1) at a distance of approximately one hundred (100) feet in advance of such vehicle and one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle

(c) No person shall at any time operate a vehicle transporting explosives as a cargo or part of a cargo upon a highway unless it carries electric lanterns or electric flashing signals as herein required but such electric lanterns or electric flashing signals must be capable of producing a red light and shall be displayed upon the highway when and as required in this section

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs or prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 902 Size of Vehicles and Loads (a) No vehicle except fire department equipment street sweepers and snow plows shall exceed a total maximum width including any load thereon of ninety-six (96) inches except that the limitations as to size of vehicles stated in this act shall not apply to vehicles loaded with hay or straw in bulk

(b) No vehicle except vehicles used exclusively to repair overhead lights and wires and fire department equipment shall exceed a total maximum height including any load thereon of [one hundred seventy-four (174)] one hundred fifty (150) inches but nothing herein contained shall be construed to require the public authorities to provide sufficient vertical clearance to permit the operation of such vehicle excepting that until but not after January first one thousand nine hundred forty-one any vehicle properly registered in Pennsylvania on the effective date of this act may be of a total height including any load thereon of one hundred seventy-four (174) inches

(c) No vehicles except fire department equipment shall exceed a total maximum length including any load thereon of three hundred ninety-six (396) inches and no combination of two (2) vehicles inclusive of load and bumpers coupled together shall exceed a total maximum length of [seventy (70) feet] six hundred (600) inches excepting that until but not after January first one thousand nine hundred forty-one any combination of two vehicles properly registered in this Commonwealth on the effective date of this act may be of a total maximum length not exceeding seventy (70) feet excepting further that nothing in this subsection shall prohibit the transportation of articles impossible of dismemberment which do not exceed seventy (70) feet

1 No motor vehicle shall be operated upon a highway drawing or having attached thereto more than one other vehicle [except that a truck with semi-trailer attached may draw in addition thereto one (1) other vehicle]

2 The distance between any two vehicles one of which is towing or drawing the other shall not exceed fifteen (15) feet from one vehicle to the other except when the load on the towed vehicle is coupled directly to and is not more than five (5) feet from the towing vehicle Whenever the connection consists of a chain rope bar or cable there shall be displayed upon such connection a flag not less than twelve (12) inches in length and width Every trailer while being drawn upon the highway shall be so attached to the vehicle drawing the same as to prevent the wheels of such trailer from deflecting more than six (6) inches from the path of the drawing vehicle's wheels

(d) No vehicle except a trailer or semi-trailer shall carry any load or part thereof extending more than five (5) feet beyond the front extremity

(e) No vehicle except as herein provided shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fender on the right side thereof

(f) It shall be unlawful for any person to transport on a motor vehicle trailer or semi-trailer operated for the carriage of passengers for hire a load of twenty-five (25) per centum in excess of the registered seating capacity or for any person to cause or permit any such operation Provided however That a child under the age of six years shall not be counted as a person when computing load on any such vehicle and provided further that nothing contained in this subsection shall make unlawful the transportation of a load of more than twenty-five (25%) per centum in excess of the registered seating capacity when such load is carried by a vehicle for not more than ten miles

(g) No truck tractor and semi-trailer coupled together except fire department equipment shall exceed a total maximum length inclusive of load and bumpers of five hundred forty (540) inches excepting that until but not after January first one thousand nine hundred forty-one any truck tractor and semi-trailer properly registered in this Commonwealth on the effective date of this act may when coupled together be of a total maximum length not exceeding seventy (70) feet excepting further that nothing in this subsection shall prohibit the transportation of articles impossible of dismemberment which do not exceed seventy (70) feet

Penalty Any person violating any of the provisions of subsections (a) (b) (c) (d) [or] (e) or (g) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsection (f) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than ten ($10) dollars or more than twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days Such fine shall be in addition to any penalty imposed by any other section or subsection of this act

On the question,

Will the House agree to the section?

Mr. VAN ALLSBURG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 3, line 6, by inserting after the figure "620" the following: "710"

Amend sec. 1, page 59, by inserting between lines 11 and 12 the following section:

"Section 710. Reduction of Registration Fees in Certain Cases. The fee for registration of a motor vehicle trailer and semi-trailer when registration is issued on or after [August] July first but prior to [November] October first shall be one-half (½) of the fee for annual registration: Provided, That the fee for registration of any such vehicles when registration is issued on or after [November] October first shall be one-fourth (¼) of the fee herein specified."

On the question,

Will the House agree to the amendments?

Mr. JIROLANIO. Mr. Speaker, I object to the amendments.

Mr. VAN ALLSBURG. Mr. Speaker and members of the House, the amendments which I have submitted for your consideration are very simple and I think you understood them as they were read by the clerk. They merely provide for the correction of a condition with regard to the time for issuing licenses at the mid-year and at the close of the year and the fees therefor.

At present, you know, if you desire to secure a license during the middle of the year, you can secure a registration license and license plates the first of August. These amendments provide that licenses may be issued by the Department the first of July and are good for the balance of the year, at a cost of the half-year's license fee and the same thing is true for the last quarter of the year. The time is shoved ahead one month to October. It provides that one may secure a registration license good for three months beginning with the first of October at one-quarter of the regular yearly fee.

I have made considerable study of the laws of other states pertaining to this matter and I have failed to find a single instance of a state which does not give a full half-year's license for a half-year's fee and the same thing for a quarter. It would seem to me that Pennsylvania should not stand alone in this particular matter and it would also seem to me that it would be very unfair to charge, or, rather, only to give a five months license and yet charge a six months fee.

There are a great many farmers in this State who do not use their trucks the first half of the year. Most of their work, the heaviest time commences about the first of July and this amendments would provide them with an opportunity to secure a half year's license at a half year's fee. It is a simple amendment. This bill in many respects aims to liberalize the laws pertaining to motor vehicles. and this amendment goes just a step further and corrects an injustice.

I hope that every member of the House will vote for these amendments.

Mr. JIROLANIO. Mr. Speaker and members of the House, regarding the amendment proposed by the gentleman from Erie, Mr. Van Allsburg, there is something exactly identical with it now in the Senate. It originally was House Bill No. 662. It has passed the House and has passed first reading in the Senate. I do not think at this time we should be burdened with this additional amendment because, as I say, it is already in the hands of the Senate and they will pass upon it.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 713), page 60, line 21, by inserting after the word "year" the following: "and the next two succeeding license years."

Amend sec. 1 (sec. 713), page 60, line 23, by striking out the words "one ($1) dollar" and inserting in lieu thereof: "two ($2) dollars which shall entitle the operator to a license for the current year and the two next succeeding license years."

On the question,

Will the House agree to the amendments?

Mr. JIROLANIO. Mr. Speaker, I object to the amendments as proposed by the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker and members of the House, the amendment which I propose to this bill provides that an operator's license shall be issued for a period of three years rather than one year. The cost for the issuance of this operator's license shall be two dollars. Thus under the plan which I propose a fee of two dollars would be paid which permits a person to operate a motor vehicle in the State of Pennsylvania for a period of three years. Under the bill as it now exists, an operator's license would be issued each year at a cost of one dollar. Thus I propose a saving of one dollar in every three years or of thirty-three and one-third percent to operators of motor vehicles in the State of Pennsylvania. This would not mean, however, that there would be a thirty-three and one-third percent reduction in the amount of money which would be applicable to highway purposes, because while the cost of issuing the license would be substantially reduced, the Department of Revenue would not have to pay as much for clerical help, would not have to pay as much for printing, would not have to pay as much for postage as it would under the plan which is proposed in the bill as it now exists. In addition to that it would be a saving to the people who are applying for licenses both in time and in money. I think that it should be our purpose to secure the greatest amount of service for the money which is paid by our motorists. Under the plan which I propose there would be almost as much money for use on the highways from the money that is paid by these operators as there would be under the plan which is suggested and for this reason I think we should adopt this amendment. I believe that this House is more interested in rendering service to the motorist and seeing that they obtain a fair amount of road repairs for the money which they pay—I believe that the House is more interested in that than they are in merely creating new jobs in the Department of Revenue. Therefore, in the interest of the motorists, who must pay their money, in giving them a reduction in their motor license fee and at the same time not substantially reducing the amount which will be applied for highway purposes, I think this amendment should be adopted.

Mr. AUKERMAN. Mr. Speaker, I rise to oppose this amendment for the following reasons: in the first place, the Governor, among his recent messages, specifically promised motor vehicle operators in the State of Pennsylvania a one-year license for one dollar and that is what the people are looking for, not for something in a different dress that will not accomplish the same purpose. In addition to that I might state, as chairman of the sub-committee which studied this bill very carefully, that such an amendment was considered in that sub-committee but was voted down because it removed a certain check that the Department of Revenue now has over operators of motor vehicles and particularly over criminals and people of that

type. That check would be removed by a provision such as this amendment would create.

I ask the membership of this House to vote down these amendments.

The yeas and nays were required by Mr. WOODSIDE and Mr. SCHROCK and were as follows:

YEAS—52

Atkins,	Kane,	Schrock,	Terry,
Baker, F. T.,	Kline,	Schumacher,	Trout,
Boose,	Leisey,	Serrill,	Turner,
Boyer,	Longaker,	Simpson,	VanAllsburg,
Cadwalader,	Lyons,	Sloan,	Wall,
Davies,	Matthews, J. F.,	Snyder,	Wampole,
Eckels,	McDevitt,	Sollenberger,	Watkins,
Fiss,	McKinney,	Spengler,	Webster,
Gillette,	Merrell,	Sproul,	Weidemann,
Habbyshaw,	Muir,	Stackpole,	Winner,
Hall,	Peale,	Stewart,	Wood,
Hamilton, R. S.,	Perry,	Stockham,	Woodside,
Huntley,	Royer,	Strode,	Yeakel,
Imbrie,			

NAYS—128.

Achterman,	Ganser,	McElroy,	Ruffennach,
Allen,	Gerard,	McFall,	Rush,
Allmond,	Haberlen,	McGee,	Sarraf,
Arnold,	Hagerty,	McShane,	Scanlon,
Aukerman,	Hamilton, F. P.,	Melchiorre,	Schor,
Baine,	Harkins,	Mellott,	Schrope,
Baker, J. J.,	Harmuth,	Mihm,	Shaw,
Balthaser,	Hays,	Moomaw,	Shea,
Bierly,	Hering,	Mooney,	Shepard,
Boles,	Hess,	Moran,	Shoemaker,
Bradley,	Hetrick,	Moul,	Shugarts,
Brancato,	Hindman,	Munley,	Siegel,
Brigerman,	Hirsch,	Murrin,	Simon,
Broad,	Holland,	Nagel,	Skale,
Brown,	Holmes,	O'Brien,	Smith, James A.,
Caputo,	Holstrom,	O'Connor,	Smith, John A.,
Chervenak,	Hontz,	O'Keefe,	Stank,
Coakley,	Horting,	Ominsky,	Thompson,
Cohen, H. B.,	Jirolanio,	O'Neill,	Toole,
Coolahan,	Keenan,	Ostroff,	Tronzo,
Corrigan,	Kelso,	Patterson, C. S.,	Tumelty,
DeNote,	Kilroy,	Patterson, J. W.,	Vallbus,
Donohoe,	Kroll,	Pearson,	Vogt,
Dougherty,	LaRue,	Pershing,	Weiss, D. H.,
Downey,	Levy,	Piole,	Welliver,
Dubbs,	Lewis,	Powers,	Welsh,
Dyson,	Long,	Preston,	Westrick,
Elpern,	Lopresti,	Readinger,	Wright,
Falkenstein,	Marino,	Reese,	Yanoshat,
Finnerty,	Matthews, H. T.,	Reising,	Yourishin,
Fitch,	McArdle,	Richter,	Zappala,
Flanagan,	McCullough,	Robinson,	Furman,
Flannery,	McDermott,	Rothenberger,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

MOTION TO RECOMMIT

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for a public hearing.

On the question,

Will the House agree to the motion?

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. JIROLANIO. Mr. Speaker, I believe that the gentleman is out of order when he asks that this bill be recommitted to the Committee on Motor Vehicles at this time because the bill has not as yet passed second reading.

The SPEAKER. The point of order is not well taken. A motion to recommit is a privileged motion and precludes the original question.

Mr. AUKERMAN. Mr. Speaker and members of the House, I rise to oppose this motion to recommit this bill for the purpose of a public hearing for the following reasons: in the first place, this bill has been in committee since the latter part of March and the membership of this House has had ample time to study it. The membership of the Committee has given it more than usual consideration, and I might state that various interested parties, such as the Federation of Motor Truckers in the person of its President and others have been called into the Committee to give their testimony, which testimony amounted to a public hearing upon the bill. In order to speed this bill along, I ask the membership of the House to vote down this motion and if a public hearing is to be granted and is necessary, it can be granted and held in the Senate.

Mr. WOODSIDE. Mr. Speaker and members of the House, I realize that it is getting late in the session, but on the other hand we are attempting to pass here a very extensive piece of legislation without giving the public, which will be greatly affected by it, an opportunity to come before us and publicly express their views. There are so many provisions in this bill that it is very difficult for any person to cover the field carefully and to vote intelligently upon it. I know that in reading it over I discovered a number of things which would affect a great number of different people. School boards are interested in many of the phases of this legislation, truckers are very much interested as well as all the rest of the motoring public. There are some radical changes made in this bill and I think it is no more than fair to give these people who will be seriously affected by it and those businesses which will be seriously affected by this measure an opportunity to come before the Committee and express their views and suggest any amendments they may have to submit.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it.

Whereupon, a division was called for, fifty members having voted in the affirmative and one hundred twenty-nine in the negative, the question was determined in the negative and the motion was not agreed to.

The second to the twenty-first sections inclusive and title were separately read and agreed to as follows:

Section 2 That the penalty clause of section nine hundred three of the said act is hereby amended to read as follows

Penalty Any person [violating any of the provisions of this section] operating any vehicle upon any highway with a gross weight exceeding by more than five (5) per centum the maximum gross weight allowed and not exceeding by more than ten (10) per centum the maximum gross weight allowed shall upon summary conviction before a magistrate be sentenced to pay a fine of [fifty ($50)] twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [ten (10)] five (5) days and any person operating any vehicle on any highway with a gross weight exceeding by more than (10) per centum the maximum gross weight allowed shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in

default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 3 That sections 904 1001 1008 1012 1013 1015 1023 1025 1101 1201 1202 1204 1206 1207 and 1211 of the said act are hereby amended or further amended as the case may be to read as follows

Section 904 Officers May Weigh Vehicles and Require Removal of Excess Load Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales or may require that such vehicle be driven to the nearest stationary scales in the event such scales are within a distance of two (2) miles The peace officer may then require the operator to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum gross weight specified in this act except as herein provided for special permits And further provided That no arrests shall be made or information brought in cases where the maximum gross weights provided in this act are not exceeded by more than [ten (10)] five (5) per centum thereof

Penalty Any person [refusing to unload excess weight when so ordered] violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 1001 Reckless Driving Reckless driving is unlawful and for the purpose of this act is construed to include the following

(a) Any person who drives any vehicle or street car or trackless trolley omnibus upon a highway carelessly and wilfully or wantonly disregarding the rights or safety of others or in a manner so as to endanger any person or property

(b) If investigation into an accident arising from the use and operation of a motor vehicle discloses that the accident occurred due to the front seat of the motor vehicle having been occupied by more than three (3) persons Provided That this provision shall not apply to a motor vehicle the front seat of which has been constructed to accommodate more than three (3) persons And further provided That there is sixteen (16) inches of seating capacity for each passenger or occupant so accommodated on said front seat

(c) Any person who shall participate in any physical endurance test or any race or speed contest with a motor vehicle on any highway

Penalty Any person charged with reckless driving shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than ten ($10) dollars nor more than twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 1008 Limitations on Privileges of Overtaking and Passing

(a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking [and] or passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking [and] or passing to be made in safety

(b) The driver of a vehicle shall not overtake [and] or pass another vehicle proceeding in the same direction when approaching the crest of a grade nor upon a curve in the highway where the driver's view along the highway is obstructed within a distance of three hundred (300) feet ahead except on a highway having two (2) or more lanes for movement of traffic in one direction the driver of a vehicle may overtake [and] or pass another vehicle Provided That on a highway within a business or residence district having two (2) or more marked lanes for movement of traffic in one direction the driver of a vehicle may overtake [and] or pass another vehicle on the right

(c) The driver of a vehicle shall not overtake [and] or pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of highway unless such intersection or crossing is controlled by traffic signal or unless permitted so to do by a watchman or peace officer except on a highway having two (2) or more lanes for movement of traffic in one direction the driver of a vehicle may overtake [and] or pass another vehicle Provided That on a highway within a business or residence district having two (2) or more marked lanes for movement of traffic in one direction the driver of a vehicle may overtake [and] or pass another vehicle on the right Nothing in this subsection shall be construed to prohibit a driver overtaking [and] or passing upon the right another vehicle which is making or about to make a left turn

(d) The driver of a vehicle shall not overtake [and] or pass or attempt to pass any other vehicle proceeding in the same direction between any points indicated by the placing of temporary warning or caution signs indicating that men are working on the highway

(e) The driver of a vehicle shall not overtake or pass or attempt to overtake or pass any other vehicle proceeding in the same direction in any "no passing zone"

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 1012 Signals on Starting Stopping or Turning

(a) The driver of any vehicle upon a highway before starting stopping or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn and whenever the operation of any other vehicle approaching or following may be affected by such movement shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement

(b) The signal herein required shall be given either by means of the hand and arm in the manner herein specified or by an approved mechanical or electrical signal device except that when the secretary finds that a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible to the front and rear the signal shall be given by a device of a type which at the time of its use is approved by the secretary

[1] (c) Whenever the signal is given by means of the hand and arm the driver shall indicate his intention to start stop or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle or if he is driving a closed vehicle by his hand and arm in such a way as to be visible through the window in the rear of the vehicle

(d) The secretary is hereby authorized and it shall be his duty to make rules and regulations not inconsistent with this act for the efficient administration of this section excepting that he shall make no ruling relating to mechanical or electrical signal devices under this section affecting vehicles which measure less than thirteen (13) feet from the center of the top of the steering column to the rear end of such vehicle or when the body of such vehicle extends less than twenty (20) inches to the left of the center of the top of the steering column

(e) All mechanical or electrical signal devices shall be maintained at all times in good working order

(f) No driver of any vehicle upon a highway shall give a signal indicating a stop start or turn unless such signal is required by this act

Penalty Any person violating any of the provisions of sub-sections (a) (b) (c) (e) or (f) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 1013 Right of Way

(a) When two vehicles or two street cars or two trackless trolley omnibuses approach or enter or when any vehicle street car or trackless trolley omnibus approaches or enters an intersection at approximately the same time the driver of the vehicle street car or trackless trolley omnibus on the left shall yield the right of way to the vehicel street car or trackless trolley omnibus on the right except as otherwise provided in this act The driver of any vehicle street car or trackless trolley omnibus traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder

(b) The driver of a vehicle street car or trackless trolley omnibus approaching but not having entered an intersection shall yield the right of way to a vehicle within such intersection or turning therein to the left across the line of travel of such first mentioned vehicle provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required in this act

(c) The driver of any vehicle street car or trackless trolley omnibus upon a highway within a business or residence district shall yield the right of way to a pedestrian crossing such highway within a crosswalk except at intersections where the movement of traffic is being regulated by a peace officer or traffic signal Every pedestrian crossing a highway within a business or residence district at any point other than a crosswalk shall yield the right of way to vehicles upon the highway

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 1015 What to do on Approach of Police or Fire Department Vehicle

(a) Upon the approach of any police or fire department vehicle or ambulance giving audible signal the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the highway clear of any intersection of highways and shall stop and remain in such position unless otherwise directed by a peace officer until the police or fire department vehicle or ambulance shall have passed

(b) It shall be unlawful for the driver of any vehicle street car or trackless trolley omnibus other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or to park such vehicle within five hundred (500) feet where fire apparatus has stopped in answer to a fire alarm

(c) Upon the approach of any police or fire department vehicle or ambulance giving audible signal the operator of every street car or trackless trolley omnibus shall immediately stop and remain in such position unless otherwise directed by a peace officer until the police or fire department vehicle or omnibus shall have passed

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 1023 Tampering with Vehicles

(a) No unauthorized person shall sound the horn handle the levers or set in motion or in any way tamper with or damage or deface any motor vehicle standing upon any highway

(b) No person shall hang on to or ride on the outside of the rear end of any vehicle and no person on a bicycle roller skates sled or any similar device shall hold fast to or hitch on to any moving vehicle

(c) No person shall throw any missile circular or pamphlet at the occupants of any vehicle or throw or place any substance upon any public highway injurious or damaging to the highway or a vehicle or the tires thereof

Penalty Any person violating any of the provisions of subsections (a) or (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of subsection (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five ($5) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 1025 Duty to Stop in Event of Accident

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident

(b) The driver and owner if present of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall [upon request] give his name address and the registration number of his vehicle and exhibit his operator's license to the person struck or the driver or occupants of any vehicle involved or the owner or custodian of any property involved unless the person struck or the driver of the vehicle or the custodian of the property involved signifies that no injuries have been received or damages sustained and shall render to any person injured in such accident reasonable assistance including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person

(c) Whenever the driver of a vehicle is physically unable to give the information or assistance required in this section and there are other occupants of the vehicle at the time of the accident who are physically able to give the information or assistance required in this section then each of such other occupants shall fully reveal the identity of himself and the identity of the driver of the vehicle and of the owner of the vehicle of which they were occupants to the person struck or to the driver or occupants of any vehicle involved or to the owner or custodian of any property involved and shall render to any such person injured in such accident reasonable assistance including the carrying of such persons to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person

(d) The driver of any vehicle street car or trackless trolley omnibus which is involved in an accident with any vehicle or property which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such unattended vehicle or the owner or custodian of such unattended property of the name and address of the driver and owner of the vehicle involved in such accident with the unattended vehicle or property or shall leave in a conspicuous place in or upon the unattended vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle involved in such accident and a statement of the circumstances thereof and also shall within twenty-four (24) hours forward to the Department a similar notice regardless of the amount of damage done to such unattended vehicle or property

(e) The operator of any street car or trackless trolley omnibus involved in an accident resulting in injury or death to any person or damage to property shall give his name and address to the person struck or the driver or occupants of the vehicle involved or the owner or custodian of any property involved and shall render to any person injured in such accident reasonable assistance including the carrying of or the securing of carriage for such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person

Penalty Any person violating any of the provisions of sub-sections (a) (b) or (e) of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a Court of Quarter Sessions be sentenced to pay a fine or not more than two hundred ($200) dollars and costs of prosecution or undergo imprisonment for not more

than three (3) years or suffer both such fine and imprisonment

Penalty Any person violating any of the provisions of subsections (c) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 1101 When Authorities May Restrict Right to Use Highways

(a) The Secretary of Highways of this Commonwealth and local authorities may by ordinance or resolution or ruling prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles and their loads for a total period not to exceed ninety (90) days in any one (1) calendar year when operated upon any highway under the jurisdiction of and for the maintenance of which the Secretary of Highways of this Commonwealth or local authorities are responsible whenever any said highway by reason of deterioration rain snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced The Secretary of Highways of this Commonwealth and local authorities enacting or making any such ordinance or resolution or rule shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution or rule at each end of that portion of any highway affected thereby and at intersections thereof and the ordinance or resolution or rule shall not be effective until or unless such signs are erected and maintained except that local authorities shall have no power or authority to prohibit the operation of vehicles upon a State highway without first obtaining the consent of the Secretary of Highways

(b) Whenever necessary for the protection of any highway or the safety of traffic thereon the Secretary of Highways of this Commonwealth or local authorities may also by ordinance or resolution or rule prohibit the operation of motor vehicles trailers or semi-trailers on designated highways as to the weights and loads thereon which prohibitions and limitations shall be designated by appropriate signs placed on such highways and their intersections except that local authorities shall have no power or authority to prohibit the operation of vehicles upon a State highway without first obtaining the consent of the Secretary of Highways

Section 1201 Limitations of Actions

(a) Informations charging violations of any of the summary provisions of this act shall be brought before a magistrate within the city borough incorporated town or township where the alleged violation occured or if there is no person holding the office of magistrate in such city borough incorporated town or township then such information shall be brought before a magistrate in any adjoining city borough incorporated town or township within fifteen (15) days after the commission of the alleged offense and not thereafter except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender and information may be filed against such other person within fifteen (15) days after his or her identify shall have been discovered and excepting further that information charging violations of the provision of section 406.1 or section 610.1 of this act may be brought within fifteen (15) days after it is discovered that a violation of either of these sections has been committed

(b) Where the offense committed is designated a felony or misdemeanor information may be filed as now provided by law

Section 1202 Proceedings by Information and Warrant

(a) Summary proceedings under this act may be commenced by the filing of information which information must be filed in the name of the Commonwealth and within the period of seven (7) days after information has been lodged the magistrate shall send by registered mail to the person charged at the address shown by the records of the department a notice in writing of the filing of the information together with a copy thereof and a notice to appear within ten (10) days of the date of the written notice

1 If the person named in the information shall not voluntarily appear within ten (10) days of the date of the written notice a warrant shall then issue and may be served by a peace officer having authority to serve warrants in the county in which the alleged violation has been committed

If the person charged cannot be served within such county then the magistrate shall deputize a peace officer having authority to serve warrants in the county wherein the person charged resides or may be found to serve such warrant

2 The peace officer serving such warrant shall take the defendant before a magistrate within the city borough incorporated town or township in which the defendant is found or if there is no person holding the office of magistrate in such city borough incorporated town or township then the defendant shall be taken before a magistrate in any adjoining city borough incorporated town or township who shall take bail either for the defendant's appearance before the magistrate who issued the warrant or for his appearance for trial in the proper court if a summary hearing is waived

(b) Where the offense committed is designated a felony or misdemeanor information may be filed and warrant served as now provided by law

(c) Whenever an arrest is made upon view under any of the provisions of and as limited by this act the officer making the arrest shall forthwith make and file with the magistrate before whom the arrested person is taken an information setting forth in detail the offense and at once furnish a copy thereof to the person arrested

(d) Any person so arrested shall be given the opportunity of having an immediate hearing or of giving bail as provided in this act for a hearing before the magistrate to be held at a date not more than ten (10) days from the date of such arrest or of waving a hearing and giving bail for his appearance in court

Section 1204 Appeals Waiving Hearings

(a) Any person convicted in any summary proceeding under this act shall have the right of appeal as in other cases of summary conviction

(b) Any person charged with violating any of the summary provisions of this act may waive summary hearing and give bond in a sum equal to double the amount of the fine and costs that might be imposed for appearance for trial before a judge of the Court of Quarter Sessions or the county court or in the municipal court in counties wherein such court exists and thereupon the magistrate shall within fifteen (15) days return the information to the said court

(c) If any person so accused having waived a hearing or having appealed from a summary conviction under this act shall be convicted in such court of the offense charged he shall be sentenced to pay the fine and costs of prosecution or suffer imprisonment provided in this act for the offense committed

(d) If on a waived hearing or the hearing of an appeal from a summary conviction under this act before a judge of such court the defendant is found not guilty and the defendant has paid a fine or fine and costs following the sentence on which he appealed such court upon acquitting the defendant shall decree a restitution of the said fine or fine and costs to the defendant and upon presentation of a certified copy of said decree it shall be the duty of the magistrate or other officer to whom such fine or fine and costs has been paid to refund same to the defendant Provided however If the fine shall have been returned by such magistrate according to this act to the treasurer of and city or borough or incorporated town or township such treasurer shall refund to the defendant such fine upon presentation of claim And further provided That if the fine shall have been returned by such magistrate according to this act to the department refund shall be made as provided in this act In no case where the defendant is found not guilty shall

any costs of prosecution be imposed upon him in a summary proceeding under this act whether heard by a magistrate or court of record

Penalty Any person violating any of the provisions of sub-section (d) shall be deemed guilty of a misdemeanor in office and upon conviction thereof in a Court of Quarter Sessions shall be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution or undergo imprisonment for not more than thirty (30) days or suffer such fine and imprisonment

Section 1206 Report of Conviction

(a) Every magistrate in this Commonwealth shall keep for a period of at least two (2) years a full report of every case in which a person is charged with a violation of any provision of this act and such records shall be open for inspection by any peace officer or department employe [In the event that a person is convicted or that his bail is forfeited an abstract of such report shall be sent upon request of the secretary to the department but] Every magistrate shall make a monthly report not later than the tenth day of the following month of the disposition of every case where a notice charging a violation of the provisions of this act has been sent to a person or where such person has been arrested on view or with a warrant charging a violation of any of the provisions of this act But this requirement shall not be deemed to make such court a court of record Abstracts required by this section shall be made upon forms prepared by the department and shall include all necessary information as to the parties to the case the nature of the offense the date of hearing the pleas the judgment the amount of the fine or forfeiture and other information deemed necessary and every such abstract shall be certified by the magistrate as a true abstract of the record of the court

(b) The clerk of any court of record of this Commonwealth shall within ten (10) days after final judgment of convicion or acquittal of any of the provisions of this act send to the department a certified copy of such judgment of conviction or acquittal Certified copies of the judgment shall also be forwarded to the department upon conviction or acquittal of any person of manslaughter or other felony or misdemeanor in the commission of which a motor vehicle was used

(c) The department may keep such records in its offices for at least five (5) years and they shall be open to the inspection of any person during reasonable business hours

Penalty [Failure refusal or neglect to comply with any of the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom] Any magistrate who shall violate any of the provisions of subsection (a) or any clerk of court who shall violate any of the provisions of sub-section (b) or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a Court of Quarter Sessions shall be sentenced to pay a fine of not more than five hundred ($500) dollars and costs of prosecution or undergo imprisonment for not more than sixty (60) days or suffer both such fine and imprisonment

Section 1207 Disposition of Fines and Forfeitures

(a) All fines and penalties collected under the provisions of this act for violations of the same and all bail forfeited shall be paid to the department and transmitted to the State Treasury and credited to the "Motor License Fund" except those collected for violations of the provisions of sections nine hundred and three (903) nine hundred and five (905) one thousand and two (1002) one thousand and eleven (1011) one thousand and fifteen (1015) one thousand and eighteen (1018) one thousand and twenty (1020) one thousand and twenty-six (1026) one thousand and twenty-eight (1028) of this act committed within cities boroughs incorporated towns and townships which fines and penalties and all bail forfeited shall be paid to the treasurer of the city borough incorporated town or township wherein the violation occurred to be used by such city borough incorporated town or township for the construction repair and maintenance of the highways thereof Provided That all fines and penalties collected and all bail forfeited for violations of the provisions of section one thousand and sixteen (1016) committed within cities boroughs and incorporated towns shall be paid to the treasury of the city borough or incorporated town wherein the violation occurred to be used by such city borough incorporated town for the construction repair and maintenance of the highways thereof And provided further That all fines and penalties collected and all bail forfeited for violations of the provisions of sub-section (f) of section six hundred twenty (620) shall be paid to the treasury of the county wherein the violation occurred to be used by such county for the payment of physicians' fees for the examination of persons accused of violating the provisions of the said section Any balance remaining in the treasury of the county at the expiration of the calendar year and not payable for physicians' services rendered shall be used for county highway purposes

(b) Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate or other officer imposing or receiving the same to the secretary upon forms furnished by the department such reports shall be made monthly not later than the tenth (10th) day of the following month

Penalty Any magistrate or other officer who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a Court of Quarter Sessions shall be sentenced to pay a fine of five hundred ($500.00) dollars and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 1211 Limitation of Authority for State Highway Patrolmen Such employes of the Commonwealth as are designated as "State Highway Patrolmen" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view when in uniform without writ rule order or process any person violating any of the provisions of this act in addition to any other power or authority conferred by law

Section 4 That at the end of article two of the said act the following new section is hereby added

Section 212 Application for Title by Agent

(a) No person shall make application for a certificate of title when acting for another person unless the authorization to make such application is in effect and is verified by oath or affirmation of such other person made not more than fifteen (15) days before such application is received by the department

(b) No person shall make application for or assign or physically possess a certificate of title or direct or allow another person in his employ or control to make application for or assign or physically possess a certificate of title unless the name of the person who is assignee purchaser or lessee is placed on the assignment of certificate of title simultaneously with the name of the assigner seller or lessor and at the time that the oath or affirmation of the assignor seller or lessor is made

(c) No person shall receive obtain or hold a certificate of title recorded in the name of another person for such other person who is not in the regular employ of or not a member of the family of such other person unless the person receiving obtaining or holding the certificate of title has a valid undischarged encumbrance recorded in the department against the vehicle represented by such certificate of title

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 5 That after section four hundred six of the said act the following new section is hereby added

Section 406.1 Name and Address on Registration Card Shall Correspond with Actual Name and Address

(a) No person shall operate or allow another person to operate a vehicle registered in this Commonwealth when

the name or address of the owner as appearing on the registration card is not identical with the actual name and address of such owner unless the owner has notified the Department of this variance and given the correct name and address within forty-eight (48) hours of the time of change of name or address or of discovery of the variance

(b) The owner upon receiving the corrected registration card shall mail the registration card bearing the incorrect name or address to the department within forty-eight (48) hours

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of five dollars ($5) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 6 That after section six hundred ten of the said act the following new section is hereby added

Section 610.1 Name and Address on Operator's Card shall Correspond with Actual Name and Address

(a) No person shall operate a vehicle registered in this Commonwealth when the name or address of the operator as appearing on the operator's card is not identical with the actual name and address of such operator unless the operator has notified the Department of this variance and given the correct name and address within forty-eight (48) hours of the change of the name or address or of discovery of the variance

(b) The operator upon receiving the corrected operator's license card shall mail the operator's license card bearing the incorrect name and address to the department within forty-eight hours

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten dollars ($10) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than three (3) days

Section 7 That after section six hundred fifteen of the said act the following new section is hereby added

Section 615.1 Suspension of Privilege to Apply for Operator's License or Learner's Permit

The secretary may suspend the privilege of any person to apply for an operator's license or learner's permit after a hearing before the secretary or his representative or upon failure of the said person to appear at such hearing whenever the secretary finds upon sufficient evidence

(a) That such person has committed any offense for the conviction of which manadatory revocation of license is provided in this act

(b) That such person has committed any violation of the motor vehicle laws of this Commonwealth

(c) That such person has failed to file a report with the department of a motor vehicle accident as required by this act

(d) That such person was operating any motor vehicle involved in an accident resulting fatally to any person

(e) That such person was convicted of an offense in another state which if committed in this Commonwealth would be grounds for the suspension of the privilege to apply for an operator's license or learner's permit

(f) That such person failed to pay a fine properly imposed or has failed to appear for a hearing upon a charge of a violation of the vehicle code of another state before a court of competent jurisdiction of such other state upon being notified as provided by law

(g) That the department has received a certification or request or order of any court or commission to suspend the privilege of any person to apply for an operator's license or learner's permit duly authorized under the laws of this Commonwealth and empowered by such laws to make certifications requests or orders

(h) Whenever the secretary suspends the privilege to apply for an operator's license or learner's permit of any person the secretary shall immediately notify such person and afford him an opportunity of a hearing before said secretary or his representative provided such hearing has not already been held and after such hearing the secretary shall either rescind his order of suspension or good cause appearing therefore may suspend the privilege to apply for an operator's license or learner's permit for a further period

Section 8 That after section seven hundred one of the said act the following new section is hereby added

Section 701.1 Fee for Commercial Motorcycle The fee for the annual registration of a commercial motorcycle shall be five ($5) dollars

Section 9 That after section seven hundred seventeen of the said act the following new section is hereby added

Section 717.1 Fee for Inspection Certificates The fee for inspection certificates shall be five ($.05) cents for each certificate issued

Section 10 That after section eight hundred six of the said act the following new sections are hereby added

Section 806.1 Vacuum or Pressure Hose Shall be Approved

(a) It shall be unlawful for any person to use upon any vehicle using the highways of this Commonwealth any vacuum or pressure hose for power brake system unless of a type which has been submitted to the secretary for test and for which a certificate of approval has been issued by the secretary and is then in effect as provided in this act

(b) The Secretary is hereby authorized to adopt and enforce rules and uniform standard specifications as to the strength diameter and size of vacuum or pressure hose for power brake systems and the secretary is authorized and required to determine whether any vacuum or pressure hose for power brake systems submitted to him will comply with such rules and uniform standard specifications and the secretary may approve such vacuum or pressure hose for power brake systems and may publish lists of such hose by name and type as he shall determine are lawful thereunder

(c) Any person desiring approval of any vacuum or pressure hose for power brake systems shall submit to the secretary two exact samples of the hose upon which approval is desired together with the fee provided in this act The secretary shall upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory he may elect for a report as to the compliance of such hose with the rules and uniform standard specification adopted by the secretary Such hose will also be subject to any road tests practical tests or other tests as the secretary may deem necessary to determine that each type of hose and its component parts is so constructed and able to be mounted as to render it readily and universally adjustable to conform to the requirements as adopted by the secretary The secretary is authorized to refuse approval of any vacuum or pressure hose for power brake systems certified as complying with the specifications and requirements which the secretary determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act or such requirements as may be adopted by the secretary

(d) The secretary shall request the testing agency to submit a report of each sample of vacuum or pressure hose for power brake systems to the secretary in duplicate For those which are found to comply with the specifications and requirements the report shall include any special corrections or adjustments required Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the secretary to the applicant for the test

Penalty Any person violating any of the provisions of sub-section (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 806.2 Sale of Unapproved Vacuum or Pressure Hose Prohibited It shall be unlawful for any person to sell or lease or to offer for sale or hire either separately or as a part of the equipment of a vehicle any vacuum hose for power brake systems unless such hose is approved by the secretary and bears the trade mark or name under which it is approved so as to be legible when installed and is accompanied by printed instructions as to the manner of installation or use necessary for compliance with the requirements of this act

Penalty Any person violating any of the provisions of

this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 11 That after section eight hundred eight of the said act the following new section is hereby added

Section 808.1 Authority of Secretary Where Vacuum or Pressure Hose Is Not Approved The secretary may refuse to title or issue registration for any motor vehicle trailer or semi-trailer the vacuum or pressure hose for power brake systems of which is not approved for use in this Commonwealth

Section 12 That after section 816.1 of the said act the following new section is hereby added

Section 816.2 Unlawful to Sell Equipment Not in Conformance with Act It shall be unlawful for any person to sell lease use install or repair either for himself or as the agent or employe of another or through such agent or employe any glass lighting devices signal devices brakes vacuum or pressure hose or any other kind of equipment whatsoever for use in any vehicle trailer or semi-trailer that is not in conformity with the provisions of this act or the regulations made thereunder

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 13 That after section eight hundred twenty-two of the said act the following new section is hereby added

Section 822.1 Carriage of More than Four Vehicles Prohibited No vehicle or combination of vehicles shall be operated on the highways of this Commonwealth carrying all or part of the weight of more than four (4) other vehicles

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 14 That at the end of article eight of the said act the following new sections are hereby added

Section 825 Unlawful to Operate Certain Trailers or Semi-Trailers Unless Equipped with Fire Extinguisher It shall be unlawful for any person to operate on the highways of this Commonwealth a vehicle towing a trailer or semi-trailer designed for the living quarters or carriage of persons unless such trailer or semi-trailer be equipped with at least one (1) fire extinguisher in good condition and ready for use of a type inspected and labeled by the Underwriter's Laboratories Incorporated under Classification "B" and utilizing an extinguishing agent which does not need protection from freezing Such fire extinguisher shall not be smaller than one (1) quart if the carbon tetrachloride type is used and not smaller than two (2) pounds if the carbon dioxide type is used

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 826 Coupling Device For Trailer or Semi-Trailer Designed for Carriage of Persons Shall be of Approved Type

(a) It shall be unlawful for any person to operate on the highways of this Commonwealth a vehicle towing a trailer or semi-trailer designed for the living quarters or carriage of persons unless such vehicle be equipped with a hitch or coupling device in good condition of a type which has been submitted to the secretary for test and for which a certificate of approval has been issued by the secretary and is then in effect as provided in this act

(b) The secretary is hereby authorized to adopt and enforce rules and uniform standard specifications as to the requirements for approval of hitches or coupling devices and the secretary is authorized and required to determine whether any hitch or coupling device submitted complies with such rules and uniform standard specifications and the secretary may approve such hitches or coupling devices and may publish lists of such devices by name and type

(c) Any person desiring approval of any hitch or coupling device shall submit to the secretary two (2) sets of each type of device on which approval is desired together with the fee provided in this act The secretary shall upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory he may elect for a report as to the compliance of such device with the rules and uniform standard specifications adopted by the secretary Such devices will also be subject to any road tests or other tests as the secretary may deem necessary to determine that each type of hitch or coupling device and its component parts is so constructed and mounted as to render them readily and universally adjustable to conform to the requirements as adopted by the secretary The secretary is authorized to refuse approval of any hitch or coupling device certified as complying with the specifications and requirements which the secretary determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act or such requirements as may be adopted by the secretary

(d) The secretary shall request the testing agency to submit a report of each type of device to the secretary in duplicate For those which are found to comply with the specifications and requirements the report shall include any special adjustments required Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the secretary to the applicant for the test

Penalty Any person violating any of the provisions of subsection (a) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 827 The owner or operator of any vehicle using the highways of this Commonwealth in violation of the terms of any Federal statute or regulation relating to the equipment of vehicles used in interstate commerce and when the secretary has declared such persons or vehicles exempt from the provisions of article 8 of this act shall be guilty of a violation of this section and shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than twenty-five ($25) dollars and not more than fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than fifteen (15) days

Section 828 (a) "School Bus" For the purpose of this section is any vehicle registered as a commercial vehicle motor-bus or motor omnibus or any vehicle having a lineal seating space including the space for the operator of more than one hundred (100) inches and owned by or used under contract with any school or school district for the transportation of school children

(b) No person shall own or operate a school bus carrying children on the highways of this Commonwealth in a school bus that in addition to the other requirements of this act does not conform with the following

(1) The body of the vehicle shall be of all metal construction and of the closed type and shall provide only one compartment for the operator and school children

(2) The exhaust system shall be so constructed that exhaust gases will be kept out of the body of the school bus School buses carrying twenty-five (25) children or less shall be equipped with at least one (1) roof ventilator providing adequate ventilation school buses carrying more than twenty-five (25) children and less than thirty-six (36) children shall be equipped with at least two (2) roof ventilators providing adequate ventilation school buses carrying more than thirty-five (35) children shall be equipped with at least three (3) roof ventilators providing adequate ventilation

(3) There shall be an entrance door located to the right of the operator and at all times controlled only by such operator The door shall be at least twenty-four (24) inches wide and shall be of the jack-knife or safety-split type and shall have hand rails on its side The steps to the

entrance door shall have a rise of not more than ten (10) inches

(4) There shall be an emergency exit door in the rear or on the left side near the rear of the vehicle equipped with an emergency lock operated from the inside of the vehicle which may be quickly released and which shall be protected against accidental release The emergency exit door shall open outwards and shall be at least twenty-two (22) inches wide and shall be labelled in black letters at least four (4) inches high on both the outside and inside "Emergency Door"

(5) All windows shall be so constructed and installed that they shall readily slide up and down only except that the windows in the rear of the bus shall be stationary All side and rear windows in the bus shall be provided with removable heavy wire mesh or other removable guard of a sufficient heighth to prevent the extension of hands

(6) There shall be at least twelve (12) inches of seating space provided for each elementary school child and at least fourteen (14) inches of seating space provided for each high school child And there shall be a measurement of at least twelve (12) inches from the front of every seat to the back of the seat next to the rear All seats and back rests shall have spring cushions or shall be well padded and shall be securely fastened to the bus There shall be no longitudinal seats opposite to and facing each other within a distance of twenty-four (24) inches The longitudinal aisles shall be at least ten (10) inches wide

(7) Every school bus shall be of a uniform color which shall be orange yellow and very such bus shall be labelled both in the front and in the rear with black letters not less than eight (8) inches in height with the words "School Bus" showing to the outside

(8) Every school bus shall be equipped with at least one (1) fire extinguisher in good condition and ready for use as prescribed by the secretary which shall be so placed that it can be readily reached from the operator's seat

Provided that nothing contained in this section shall make unlawful the use before August first one thousand nine hundred forty of any vehicle as a school bus for the transportation of school children if such vehicle was owned by or used under contract with any school or school district for the transportation of school children before the effective date of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than ten ($10) dollars and not more than twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not less than five (5) days and not more than ten (10) days

Section 15 That at the end of aricle 9 of the said act the following new section is hereby added

Section 907 The owner or operator of any vehicle using the highways of this Commonwealth in violation of the terms of any Federal statute or regulation relating to the size weight or construction of vehicles used in interstate commerce and when the secretary has declared such persons or vehicles exempt from the provisions of article nine of this act shall be guilty of a violation of this section and shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than twenty-five ($25) dollars and not more than fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than fifteen (15) days

Section 16 That at the end of article ten of the said act the following new sections are hereby added

Section 1032 Use of Multiple Beam Road Lighting Equipment

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section eight hundred one (801) the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle subject to the following requirements and limitations

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet such driver shall depress dim or use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver while such driver is approaching and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 1033 (a) No person shall operate a vehicle on the highways of this Commonwealth having two levels for the carriage of other vehicles

(b) No person shall operate a vehicle on the highways of this Commonwealth carrying other vehicles any part of which is carried at a heighth of more than one hundred and fifteen (115) inches above the ground

(c) No person shall operate a vehicle on the highways of this Commonwealth carrying any other vehicle any part of which is above the cab of the carrier vehicle or over the head of the operator of such carrier vehicle

(d) No person shall operate a vehicle on the highways of this Commonwealth carrying any other vehicle any axle of which is more than three (3) feet higher than any other axle on such carried vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 17 That after section eleven hundred twelve of the said act the following new section is hereby added

Section 1112.1 Secretary of Highways and Local Authorities shall Designate "No Passing Zones"

(a) The Secretary of Highways of this Commonwealth with reference to State Highways is hereby authorized to designate any portion or portions of such highways as "No Passing Zones" by erecting at the entrance thereto signs bearing the words "No Passing Zone" and by erecting at the end of such "No Passing Zone" a sign bearing the words "End of No Passing Zone" The letters and numerals in all of such signs shall be of a form and size approved by the Secretary of Highways of this Commonwealth Such "No Passing Zone" shall extend for a distance of not greater than one eighth (1/8) of a mile between such signs and any extension of such "No Passing Zone" shall be marked by additional signs in like manner

Section 18 That after section twelve hundred four of the said act the following new section is hereby added

Section 1204.1 Discretion Regarding Fines Imposed Exemptions The fines and penalties provided for in this act are mandatory and no magistrate or judge shall impose any penalty for a violation of this act varying from the penalties prescribed herein unless the authority to impose a greater or lesser fine or penalty than prescribed herein

Penalty Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor in office and upon conviction thereof in a Court of Quarter Sessions shall be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution or undergo imprisonment for not more than thirty (30) days or suffer both such fine and imprisonment

Section 19 That at the end of article twelve of the said act the following new section is hereby added

Section 1222 Secretary May Supply Certain Information Fee The secretary may in his discretion supply such information relating to encumbrances and information relating to learners' permits operators' licenses the registration and titling of vehicles as has not been disposed of

under the provisions of section four hundred fifteen (415) of this act and may require the payment of a fee of twenty-five ($.25) cents for each record document or letter comprising a part thereof

Section 20 Constitutional Construction The provisions of this act are severable and if any provision thereof is held to be unconstitutional the decision so holding shall not be construed as affecting or impairing any other provision of this act or the act as a whole It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 21 the amendments to sections 201 202 203 204 207 208 209 210 211 301 302 305 and 306 shall become effective on September first one thousand nine hundred thirty-seven

All of the other provisions of this act shall become effective immediately upon the approval of this act by the Governor

An Act to amend the act approved the first day of May one thousand nine hundred twenty-nine (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by adding new sections further regulating the use of highways and the operation of and the equipment used in connection with vehicles including trailers and semi-trailers street cars trackless trolley omnibuses school buses and commercial motor cycles upon the highways of this Commonwealth providing exemptions extending certain provisions of the act to trailers and semi-trailers providing for the renewal and automatic satisfaction of encumbrances and liens and further amending the procedure relating thereto providing for the further registration of certain vehicles and the licensing of the operators thereof including additional reasons for suspension and revocation conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment changing the procedure disposition of fines and penalties for certain violations of the act and making the fines thereunder mandatory and extending existing penalties and providing additional penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2117, entitled:

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate taxes erroneously collected or overpaid into the State Treasury

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven hundred and seventy-four thousand one hundred and seventy-three dollars and eighty-nine cents ($774,173.89) or so much thereof as may be necessary is hereby specifically appropriated to the Treasury Department for the refund of any moneys representing an overpayment of inheritance and estate taxes said refund to be made when the amount of said refund shall have been adjudicated and found due by the Board of Finance and Revenue in accordance with law

On the question,

Will the House agree to the section?

Mr. MELCHIORRE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 1, line 9, by inserting after the word "of" and before the word "inheritance" the word "transfer"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate taxes erroneously collected or overpaid into the State Treasury

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1194, entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee providing for the appointment of its members and defining its powers and duties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Speaker of the House of Representatives shall appoint four members of the House and the President Pro Tempore shall appoint three members of the Senate who together shall constitute a continuing joint legislative committee to be known as the Joint State Government Committee and whose duty it shall be to make studies for the use of the legislative branch of government seeking to improve the administrative organization of the State Government to eliminate waste and overlapping functions to institute economies to suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis to gather budget information for the use of the General Assembly and to make such other studies and gather such other information as may be deemed useful to the General Assembly

Said committee shall organize by the selection of a chairman The committee shall have power to employ such clerical assistance as may be deemed necessary Said committee shall have power to call upon any Department or agency of the State Government for such information as it deems pertinent to the studies in which it is engaged

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 5, by striking out the word "four' 'and inserting in lieu thereof "six"

Amend sec. 1, page 1, line 6, by striking out the word "three" and inserting in lieu thereof "five"

Amend sec. 1, page 1, line 7, by inserting after the partword "gether" the following: "with the President Pro Tempore of the Senate and the Speaker of the House of Representatives"

Amend sec. 1, page 1, lines 7 and 8, by striking out the word "committee" and inserting in lieu thereof "commission"

Amend sec. 1, page 1, line 8 and 9, by striking out the words "Committee and whose duty it shall be" and inserting in lieu thereof: "Commission. The members of the commission shall be appointed during each odd-numbered year and shall continue as members of the commission until the first day of July of the next odd-numbered year. It shall be the duty of the commission"

Amend sec. 1, page 2, line 5, by striking out the word "committee" and inserting in lieu thereof "commission"

Amend sec. 1, page 2, line 6, by striking out the word "committee" and inserting in lieu thereof "commission"

Amend sec. 1, page 2, line 8, by striking out the word "committee" and inserting in lieu thereof "commission"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

Mr. PERRY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 1, line 4, by inserting before the first word "the" the following:

"Before the close of the 1937 session of the said assembly, and thereafter during each regular session of the said assembly."

Amend section 1, page 1, line 5, by striking out the word "four" and inserting in lieu thereof the word "sixteen".

Amend section 1, page 1, line 6, by striking out the word "three" and inserting in lieu thereof the word "ten".

Amend section 1, page 1, line 8, by striking out line 8 and part of line 9, by striking out the words "joint state government committee" and inserting in lieu thereof the words "legislative council".

Amend section 1, line 9, by inserting after the partial word "mittee" the following:

"two appointed members of the council shall be from the County of Philadelphia, and two from the County of Allegheny, and the remaining appointed members shall be appointed one from each congressional district of the Commonwealth outside the Counties of Philadelphia and Allegheny. The appointed Senators and members shall be appointed among the two major political parties so that no more than two-thirds of the appointed members shall be representative of one party. The President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Director of the Legislative Reference Bureau shall be ex-officio members of the council. The President Pro Tempore shall be chairman of the council, and the Speaker vice-chairman.

Amend section 1, page 1, line 9, by striking out the words "and whose duty it", and inserting in lieu thereof the words "the duties of the said council".

Amend section 1, page 2, by striking out all of line 5 after the word "assembly" and all of lines 6, 7 and the word "necessary" in line 8.

Amend Page 2, Line 2, by striking out of said line, after the figure "2" and all of lines 13 to 17 inclusive, and inserting in lieu thereof the following:

"The Legislative Council shall meet at least sixty days prior to each regular session of the General Assembly and as early as may be prior to each regular session at the call of the chairman. It shall have power to meet at such other times as may be deemed necessary by a majority of the members thereof and shall meet at least once in each three months. The council shall prepare for submission to each such session of the Legislature tentative drafts of Legislation which it believes should be considered and where feasible submit preliminary reports and drafts of bills to members of the Legislature before it convene. The council shall collect information concerning the government and general welfare of the State and local governments and the system of local governments examine existing statutes and recommend amendments thereto, study questions of state-wide interest, prepare Legislative programs for submission to sessions of the Legislature and cooperate with the administration in devising ways and means of enforcing law and improving the effectiveness of administrative methods. The Governor shall from time to time transmit to the Legislative Council such matters for study and such messages as he deems pertinent. Any member of the Senate and House of Representatives may attend the meetings of the Legislative Council and engage in its discussions but shall have no vote unless he is a member of the council".

On the question,

Will the House agree to the amendments?

Mr. ACHTERMAN. Mr. Speaker and members of the House, as well as I could hear the amendments as they were being read by the Clerk, this would appear to be an attempt on the part of the gentleman from Blair, Mr. Perry, to rewrite the entire bill or at least the entire section. It must be apparent to the members of this House that if the change in the number of members were adopted, it would make an unwieldy body that would, of course, not be able to accomplish the objects as would the creation of this commission. I point to the members of the House that we have increased the number by the amendments that I have offered which, if accepted by this House, will allow a proper representation from all parts of the State of Pennsylvania and will thoroughly and completely carry out the object of the bill. Likewise I say this is an effort on the part of the member to write into the bill restrictions on the part of the commission or of the committee so that they could not proceed with their duties as efficiently, perhaps, as they might desire.

Therefore, I ask the members of this House to vote down the amendments offered by the gentleman from Blair, Mr. Perry.

Mr. PERRY. Mr. Speaker and members of the House, in answer to the gentleman from Monroe, Mr. Achterman, the amendments proposing to increase the number of members in the bill now before the House proposing to establish a Joint State Government Committee,—those amendments provide for many details in amplification of the bill.

It so happens that on January 18, following a careful study, a bill known as the Legislative Council Bill was prepared by the Legislative Reference Bureau. That bill

was referred to the Committee on State Government on January 18, of which Committee Mr. Achterman is the chairman. As I understand it, the bill was then referred to a sub-committee of which Mr. Herbert B. Cohen is the chairman. On March 2 a new bill, known as the Joint State Government Committee bill and containing points of both the bills was presented by myself prior to that occasion. These amendments are the amendments as prepared to the original Legislative Council Bill and supply the details as worked out through the aid of the Legislative Reference Bureau and after study in the matter. There are several conflicts as to the choice of the personnel between the amendment proposed by myself and the amendment proposed by Mr. Achterman. That was necessitated because the intent of this bill is to create a continuing advisory council for the benefit of this Legislature which from time to time and in the interim will propose and draft legislation for subsequent action. We feel that because of the diverse interests involved in such legislation, because of the conflicting interests of various sections of Pennsylvania, it should be a truly representative group freed as far as possible from political influence. The amendment that is proposed under my suggestion is to establish a commission composed of sixteen members of the House and ten members of the Senate, two of which shall be from Philadelphia, two of which shall be from Allegheny County, and one of which shall represent every Congressional district in the State of Pennsylvania, with the provision that in their selection neither of the major political parties shall have more than a one-third advantage or, in other words, if the Democratic party should be in control they would be entitled to two-thirds on the committee, and if on the other hand it was the Republican party they would be entitled to two-thirds. That is the purpose of the amendment and, so far as I can see, the conflict between the amendments of Mr. Achterman and my own is largely in the number of the personnel.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the gentleman who has just spoken has indicated that possibly he has a prior right to this bill due to the fact that his bill was introduced prior to the bill now before the House. I wish to call the attention of the House to the fact that in the 1935 session I introduced a bill identical to the bill that is now before the House and that that bill was successful in passing both the House and the Senate. However, due to the extremity of the financial situation in the Commonwealth at that time, it was not felt that the necessary moneys would be available with which to provide the appropriation necessary for the committee to function. I was delayed by my duties from introducing this bill again at this session, possibly after the gentleman who has just addressed this House had introduced his bill. However, I had no knowledge whatsoever of his introduction of that bill, and I feel sure that the present bill as it is very capably amended by the gentleman from Monroe represents the full desires not only of the membership of the House but also of the membership of the Senate, and I also feel sure it will obtain the approval of the Administration when it is presented for signature.

I, therefore, ask the members to support the amendment to the bill of Mr. Achterman rather than the amendment to the bill of the gentleman from Blair, and I ask that the amendments of the gentleman from Blair be voted down.

On the question recurring,

Will the House agree to the amendments

They were agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Said committee shall have power to sit during the interim between legislative sessions and shall from time to time report to the General Assembly such findings and recommendations accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 2, line 12, by striking out the word "committee" and inserting in lieu thereof "commission"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 Any vacancies occurring in the membership of said committee shall be filed by appointments by the Speaker or President Pro Tempore of members of the House or Senate as the case may be to take the place of those persons whose membership in the House or Senate may have ceased

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 3, page 2, line 19, by striking out the word "committee' and inserting in lieu thereof "commission"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Mr. PERRY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 2, by inserting between lines 23 and 24, the following new sections:

"Section 4. The Director of the Legislative Reference Bureau shall be the secretary of the Legislative Council but shall not receive any additional compensation for such services. The council shall have power to employ and fix the compensation of such reporters, experts

and assistants as may be deemed necessary to carry on its work and shall at all times have the aid and assistance of the Legislative Reference Bureau in research and bill drafting work. The secretary shall keep complete minutes of the meetings of the council.

Section 5. The council shall have power to hold hearings and to issue subponeas under the hand of its chairman or vice chairman commanding any person to appear before it and testify as to such matters as may be inquired into and to produce books, papers, records, and documents. The chairman, vice chairman and secretary of the council shall have power to administer oaths to witnesses. If any person shall fail or refuse to appear and testify before the council or to produce any books, papers, records and documents the council shall have power to present its petition to the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the county where such person is resident reciting the facts which Court shall thereupon issue its subpoena commanding such person to appear before it and there to testify as to the matter being inquired into. Any such Court shall have power to punish for contempt any witness who refuses to appear in answer to its subpoenas or who refuses to testify before it."

On the question,

Will the House agree to the amendment?

It was not agreed to.

The fourth section was read as follows:

Section 4 Bienially an item of appropriation shall be inserted in the General Appropriation Bill to pay the expenses of the members of the committee constituted by this act and for clerical hire and incidental expenses

On the question,

Will the House agree to the section?

Mr. PERRY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 4, page 2, line 24, by striking out the figure "4" and inserting in lieu thereof the figure "6."

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 4, page 2, line 26, by striking out the word "committee" and inserting in lieu thereof "commission"

Amend bill, page 2, by inserting after line 27, the following section: "Section 5. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act creating a joint legislative committee to be known as the Joint State Government Committee providing for the appointment of its members and defining its powers and duties

On the question,

Will the House agree to the section?

Mr. PERRY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title of the act, line 2, by striking out the words "joint state government committee," and inserting in lieu thereof the words "legislative council."

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the word "committee" and inserting in lieu thereof "commission"

Amend title, page 1, line 2 of title, by striking out the word "Committee' and inserting in lieu thereof "Commission"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1086, entitled:

An Act to fix the compensation of the assistant custodians of the Senate chamber and the hall of the House of Representatives

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the thirtieth day of June one thousand nine hundred and thirty-seven each assistant custodian of the Senate chamber and the hall of the House of Rpresentatives shall receive three dollars ($3.00) per diem for each regular biennial special or extraordinary session and eighty-five dollars ($85.00) per month during the intrim between legislative sessions

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, line 9, by striking out the misspelled word: "intrim" and inserting in lieu thereof "interim."

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The second section was read as follows:

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,
Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 1, by inserting after line 12, the following new section: "Section 3. This act shall become effective immediately upon its final enactment."

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The title was read and agreed to as follows:

An Act to fix the compensation of the assistant custodians of the Senate chamber and the hall of the House of Representatives

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 151, as follows:

An Act to amend the act approved the eleventh day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred sixty-one) entitled "An act to provide for the selection of jurors to serve in the several courts criminal and civil of counties of the second class and defining the qualifications of such jurors providing for the organization of a commission for the selection of jurors in such counties and prescribing its powers and duties and authorizing it to investigate as to the qualifications of prospective jurors imposing the expense of maintaining and operating said commission upon said counties and requiring the county commissioners to provide suitable quarters equipment and supplies authorizing the employment of the necessary clerks and other employes and providing for a salary board composed of the commission the county commissioners and the controller of said counties to fix the number and compensation of such employes requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service repealing inconsistent legislation and prescribing punishment for the violation hereof" as amended by extending the provisions of said act to counties of the third fourth fifth sixth seventh and eighth class and repealing inconsistent and supplied legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the eleventh day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred sixty-one) entitled "An act to provide for the selection of jurors to serve in the several courts criminal and civil of counties of the second class and defining the qualifications of such jurors providing for the organization of a commission for the selection of jurors in such counties and prescribing its powers and duties and authorizing it to investigate as to the qualifications of prospective jurors imposing the expense of maintaining and operating said commission upon said counties and requiring the county commissioners to provide suitable quarters equipment and supplies authorizing the employment of the necessary clerks and other employes and providing for a salary board composed of the commission the county commissioners and the controller of said counties to fix the number and compensation of such employes requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service repealing inconsistent legislation and prescribing punishment for the violation hereof" is hereby amended to read as follows:

An Act to provide for the selection of jurors to serve in the several courts criminal and civil of counties of the second third fourth fifth sixth seventh and eighth class and defining the qualifications of such jurors providing for the organization of a commission for the selection of jurors in such counties and prescribing its powers and duties and authorizing it to investigate as to the qualifications of prospective jurors imposing the expense of maintaining and operating said commission upon said counties and requiring the county commissioners to provide suitable quarters equipment and supplies authorizing the employment of the necessary clerks and other employes and providing for a salary board composed of the commission the county commissioners and the controller or treasurer of said counties to fix the number and compensation of such employes requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service repealing inconsistent legislation and prescribing punishment for the violation hereof

Section 2 Section one of said act as last amended by the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred thirty-eight) is hereby further amendd to read as follows:

Section 1 Be it enacted ect That for an improved and impartial selection of persons to serve as jurors in the several courts civil and criminal of counties of the second third fourth fifth sixth seventh and eighth class there is hereby created a commission to be known as the "Commission for the Selection of Jurors" hereinafter called "commission" Said commission shall consist of three members One of said members shall be the president judge of the Court of Common Pleas of the respective county In the event the president judge is unable by reason of illness or other cause to temporarily perform the duties imposed on him under the provisions of this act he may temporarily appoint another judge of said court to perform his duties The other two members of said commission shall be chosen by the qualified electors of said county at the municipal elections at which other county officers are chosen Provided however That in no event shall both of said elective members of the commission be members of the same political party but the majority political party in said county shall elect one of said elective commissioners and the other shall be the candidate for such office receiving the highest number of votes of the next ranking or minority political party the elective members of the commission to be chosen for a term of four years Any jury commissioner shall be eligible for re-election for any number of terms In the event that two of the members of the commission are unable by reason of illness or other cause to temporarily perform the duties imposed upon them in the selection of taxables to serve as jurors or in the drawing from the jury wheel the remaining member if he be the president

judge or judge appointed to act in the place of the president judge may act alone

Section 3 Sections five six eight and twenty-five of said act are hereby amended to read as follows:

Section 5 All expenses incurred in the maintenance and operation of said commission and the salaries of its employes shall be payable out of the county funds of the respective county upon payrolls approved by the commission All salaries shall be payable monthly or semi-monthly and shall be fixed by the commission acting in conjunction with the county commissioners and the county controller or in counties where there is no controller the county treasurer of the respective county acting as a salary board and said salary board is hereby authorized to fix the number of employes and their salaries

Section 6 On or prior to the first day of November one thousand nine hundred and [twenty-five] thirty-seven the commission in counties where this act has not previously been in effect shall procure from the county commissioners of the respective county or such other county officer or officers having the information the names of all persons assessed for the purpose of taxation arranged alphabetically On or before the first day of September one thousand nine hundred and thirty-seven the commission in counties of the second class shall procure a similar list of taxables who have been added to or removed from the last preceding list and in all counties to which this act applies each year thereafter on or before September first a similar list of such taxables as have been added to or removed from the last preceding list shall be obtained and for the purpose of obtaining such list the commission or its properly authorized employes may inspect any assessment list or book or list of taxables in any of the offices of the respective counties and may demand and receive an alphabetically arranged list of the names appearing in any such assessment list or book or list of taxables in any of the offices of the respective counties and in addition to said names the list shall contain the occupation and residence address of each of such

Section 8 The number of names to be selected as in the last paragraph preceding provided shall be designated by the president judge of the Court of Common Pleas of the respective county who shall on or prior to the fifteenth day of November one thousand nine hundred and [twenty-five] thirty-seven in counties where this act has not previously been in effect and on or prior to the fifteenth day of August one thousand nine hundred and thirty-seven in counties of the second class and on or prior to the fifteenth day of August in each year thereafter in all counties to which this act applies designate the number of jurors that will be required in the several courts of the respective county holding jury trials for the next ensuing calendar year and the number of names selected from the said list of taxables for that purpose and to be selected as in the last preceding paragraph indicated shall be twice the number of jurors to be required as designated by the president judge of the Court of Common Pleas

Section 25 The salary of the two members of the said commission elected to the said office shall be four thousand dollars ($4,000) per annum in counties of the second class three thousand dollars ($3,000) per annum in counties of the third class two thousand five hundred dollars ($2,500) per annum in counties of the fourth class two thousand dollars ($2,000) per annum in counties of the fifth and sixth class and one thousand dollars ($1,000) per annum in counties of the seventh and eighth class All such salaries shall be payable monthly or semi-monthly Neither the president judge of the Court of Common Pleas nor any other judge who may serve upon said commission shall receive any additional salary for such service The salary of all clerks assistants investigators or employes shall be such as may be fixed by the salary board hereinbefore provided for to fix the number and compensation of the clerks assistants investigators and employes of said commission

Section 4 Forthwith upon the passage of these amendments the office of jury commissioners now existing in all counties where the act to which this is an amendment has not heretofore been in effect shall be and the same is hereby abolished as such but the present incumbents of said office shall continue to serve upon said commission as hereinbefore provided at the same salary which they are now receiving for the balance of the term for which they shall have been elected

Upon the passage of these amendments the jury wheel shall remain in the sheriff's custody with the names of the jurors selected for the present year and the jurors for the current year shall be drawn therefrom until a new jury list shall have been prepared and placed in the wheel in accordance with the provisions of the act to which this is an amendment

Section 5 All acts and parts of acts inconsistent with or supplied by this act are hereby repealed

Section 6 Except as hereinbefore otherwise specifically provided the provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2113, as follows:

An Act providing for the reciprocal enforcement of violations of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if and when the State of New York shall enact a similar law for the arrest and punishment of violations of the conservation of fish laws of this Commonwealth or the State of New York committed or attempted to be committed by any person or persons fishing in that portion of the Delaware River lying between such states any game protector fish warden or other person of either state who is authorized to make arrests for violations of the conservation of fish laws of such states shall have power and authority to make arrests on any part of such river between such states or the shores thereof and to take the person or persons so arrested for trial to the state in which the violation was committed and there to prosecute such person or persons according to the laws of such state

Section 2 If and when the State of New Jersey shall enact a similar law for the arrest and punishment of violations of the conservation or fish laws of this Commonwealth or the State of New Jersey committed or attempted to be committed by any person or persons fishing in that portion of the Delaware River lying between such states any game protector fish warden or other person of either state who is authorized to make arrests for violation of the conservation or fish laws of such states shall have power and authority to make arrests on any part of such river between such states or the shores thereof and to take the person or persons so arrested for trial to the state in which the violation was committed and there to prosecute such person or persons according to the laws of such state

Section 3 This act shall take effect immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2244, (Senate Bill No. 813), entitled:

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens are of record against real estate acquired by the Commonwealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1378, as follows:

An Act to amend section two of the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 483) entitled "An act relating to practice in the Courts of Common Pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" as amended by providing that all pleadings filed therein shall constitute a part of the record without formal presentation at time of trial

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 483) entitled "An act relating to practice in the Courts of Common Pleas in actions assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" as amended by the act approved the thirtieth day of March one thousand nine hundred and twenty-five (Pamphlet Laws 84) is hereby further amended to read as follows

Section 2 The pleadings shall consist of the plaintiff's statement of claim the defendant's affidavit of defense and where a set-off or counter-claim or new matter is pleader the plaintiff's reply thereto When the affidavit of defense or where a set-off or counter-claim or new matter is pleaded the plaintiff's reply thereto is filed the pleadings shall be closed and the case shall be deemed to be at issue and no replication or formal joinder of issue shall be required All pleadings filed in any case shall constitute a part of the record and no formal presentation or offering in evidence thereof shall be required at the time of the trial of any case The necessity of proof to substantiate allegations as made in such pleadings shall be required as heretofore

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1336, entitled:

An Act to provide for a third additional law judge of the several courts of the forty-fifth judicial district

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the judges now provided for by existing law a third additional law judge is hereby authorized and provided for the several courts of the forty-fifth judicial district who shall possess the same qualifications which are required by the constitution and laws for the president judge of said district and who shall hold his office for a like term and by the same tenure and shall have the same powers authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same compensation provided by law for judges of the courts of said judicial district

Section 2 At the next municipal election after the passage of this act the qualified electors of the said forty-fifth judicial district shall elect in the manner prescribed by law for the election of a president judge one competent person learned in the law to serve as third additional law judge in said district from the first Monday in January Anno Domini one thousand nine hundred and thirty-eight for a term of ten years Vacancies in the office hereby created whether caused by death resignation expiration of terms or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge

The third section was read as follows:

Section 3 The Governor is hereby authorized by and with the consent of the Senate to appoint one competent person learned in the law as such additional law judge of the said forty-fifth judicial district to serve until the first Monday in January succeeding the next municipal election

On the question,

Will the House agree to the section?

Mr. O'NEIL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 2, by inserting after line 18, the following section: "Section 4. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to provide for a third aditional law judge of the several courts of the forty-fifth judicial district.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. TURNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.

The motion was not agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 946, as follows:

A Joint Resolution proposing an amendment to section eight Article five of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth Article thereof

That section eight of Article five of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The Commonwealth of Pennsylvania respectively shall from time to time in turn detail one or more of their judges to hold the Courts of Oyer and Terminer and the Courts of Quarter Sessions of the peace of the said counties in such manner as may be directed by law but the General Assembly may by law provide for the establishment of separate courts of criminal jurisdiction in counties having the jurisdiction of Courts of Oyer and Terminer and Courts of Quarter Sessions of the peace

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1363, as follows:

An Act making voidable releases of claims for personal injuries or death and providing for the avoidance of the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any release of damages for personal injuries or death resulting from unlawful violence or negligence which shall be procured promised or signed within thirty days after such injuries or death shall have been sustained shall be voidable at the option of the promisor or releasor Provided That written notice of such avoidance shall be given to the procurer promisee or releasee within thirty days after such release shall have been procured promised or signed And provided further That such written notice shall be accompanied by the return of the consideration theretofore paid for such promise or release

Section 2 Nothing in this act shall in any way be deemed to affect existing rights and remedies where releases shall have been procured by fraud misrepresentations coercion or undue influence

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2099, entitled:

An Act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth seventh and eighth classes

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred forty-six and two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) are hereby further amended to read as follows

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth [at] for at least two years preceding the time of his election or appointment and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county In counties of the third class the district attorney shall receive a salary of seven thousand five hundred dollars ($7,5000) per annum

In counties of the fourth class the district attorney shall receive a salary of six thousand dollars ($6,000) per annum

In counties of the sixth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Fifty thousand and more but less than sixty thousand twenty-four hundred dollars ($2400)

(b) Sixty thousand and more but less than seventy thousand twenty-seven hundred dollars ($2700)

(c) Seventy thousand and more but less than eighty thousand three thousand dollars ($3000)

(d) Eighty thousand and more but less than ninety thousand thirty-three hundred dollars ($3300)

(e) Ninety thousand and more but less than one hundred thousand thirty-six hundred dollars ($3600)

In counties of the seventh class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Twenty thousand and more but less than thirty thousand fifteen hundred dollars ($1500)

(b) Thirty thousand and more but less than forty thousand eighteen hundred dollars ($1800)

(c) Forty thousand and more but less than fifty thousand twenty-one hundred dollars ($2100)

In counties of the eighth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Less than ten thousand seven hundred and fifty dollars ($750)

(b) Ten thousand and more but less than twenty thousand eleven hundred dollars ($1100)

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting an office or commission in the militia of the State during his continuance in office

Section 256 Assistant District Attorneys Number Compensation In counties of the second third fourth fifth and sixth classes the district attorney may appoint such number of assistants learned in the law to assist him in the discharge of his duties as is fixed by this section

In counties of the second class the district attorney shall have authority to appoint one or more assistants learned in the law not exceeding sixteen in number One of said assistant district attorneys who shall be designated as the first assistant shall receive a salary of seventy-five hundred dollars ($7,500) per annum One of said assistant district attorneys who shall be designated as the second assistant shall receive a salary of sixty-five hundred dollars ($6,500) per annum Two of said assis-

tant district attorneys shall receive salaries of six thousand dollars ($6,000) per annum each Four of said assistant district attorneys shall receive salaries of fifty-five hundred dollars ($5,500) per annum each Two of said assistant district attorneys shall receive salaries of five thousand dollars ($5,000) per annum each Two of said assistant district attorneys shall receive salaries of forty-five hundred dollars ($4,500) per annum each and four of said assistant district attorneys shall receive salaries of four thousand dollars ($4,000) per annum each In the event of the appointment of a less number of assistants than sixteen the district attorney shall have the power to determine into which class as to salaries the appointee or appointees shall be placed Said salaries herein provided shall be paid out of the county treasury

For all counties of the third class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of four thousand dollars ($4,000) and three assistant district attorneys at annual salaries of three thousand five hundred dollars ($3,500) each and two assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In all counties of the fourth class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of three thousand five hundred dollars ($3,500) and three assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In counties of the fifth class [and in counties of the sixth class with the approval of the court] the district attorney shall have authority to appoint not more than two assistant district attorneys The first assistant district attorney shall receive a salary of two thousand five hundred dollars ($2,500) per annum and the second assistant district attorney shall receive a salary of two thousand dollars ($2,000) per annum

In counties of the sixth and seventh classes the district attorney shall have authority to appoint one assistant district attorney In counties of the sixth class such assistant district attorney shall receive a salary of one thousand two hundred and fifty dollars ($1,250) and in counties of the seventh class seven hundred and fifty dollars ($750)

The salary board of any county of the third class in case of an emergency or on account of increased business or unusual circumstances or conditions may authorize the district attorney to appoint such additional assistant district attorneys as may be approved by the court Provided however That the salary of said appointees shall not exceed the minimum salary provided for assistants in the respective offices

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. KANE. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bill to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2251, (Senate Bill No. 66), entitled:

An Act to amend section five of the act approved the sixteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty) entitled "An act to fix the salaries and compensation of the judges of Supreme Court the judges of the Superior Court the judges of the Courts of Common Pleas the judges of the Orphans' Courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the sixteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty) entitled "An act to fix the salaries and compensation of the judges of Supreme Court the judges of the Superior Court the judges of the Courts of Common Pleas the judges of the Orphans' Courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County" be and the same is hereby amended to read as follows

Section 5 The judges of the Courts of Common Pleas of Dauphin County and the judges of the Orphans' Court of Dauphin County shall receive three thousand dollars ($3,000) additional for trying civil cases for the Commonwealth

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 2, by inserting after line 11, the following section: "Section 2. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section five of the act approved the sixteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred eighty) entitled, "An act to fix the salaries and compensation of the judges of Supreme Court, the judges of the Superior Court, the judges of the Courts of Common Pleas, the judges of the Orphans' Courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2250, (Senate Bill No. 1044), entitled:

An Act authorizing Courts of Common Pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act

The first to the sixth sections were separately read and agreed to as follows:

Section 1 Definitions That when used in this act the

following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly requires a different meaning

"Writ of execution" shall mean any writ of fieri facias venditioni exponas levari facias or any other writ or form of execution for the sale of any dwelling and the land appurtenant thereto or any farm where such dwelling or farm shall be occupied by an owner thereof as his or her residence or any proceeding for the sale of real property as herein defined for failure to pay taxes

"Real property" shall mean any dwelling together with the land appurtenant thereto and any farm occupied by an owner of such dwelling or farm as a residence

Section 2 Every Court of Common Pleas of this Commonwealth shall have authority under the conditions hereinafter set forth to stay any writ of execution from time to time and for such periods as the court in its discretion may deem proper Such stays shall be allowed only upon application of an owner lienholder or any other person in interest and unless the plaintiff consent thereto only upon the applicant's showing to the court such facts as the court may deem sufficient to warrant such relief In granting any such stay or continuance the court may impose such condition as it deems proper as to payment of costs taxes accruing interest repairs advertising and notice of sale insurance and any other pertinent matters

Section 3 In exercising the powers conferred by this act a court shall have the discretion of a chancellor sitting in equity It shall be a sufficient reason for the grant of a stay hereunder that immediate execution sale against the real property would work serious inequity

Section 4 The stay of any execution under this act shall continue the return day of writ of execution to the first regular day for such writs which shall occur after a sale held under such writ In the meantime the writ shall remain in full force and effect and sale may be made thereunder without the issuance of an alias or any other writ

Section 5 The powers herein conferred on Courts of Common Pleas shall be in addition to all powers now possessed by such courts to stay and otherwise control writs of execution against real property as herein defined

Section 6 This act shall become effective immediately upon final passage by the Legislature and approval by the Governor and shall continue in force only until the thirty-first day of March one thousand nine hundred thirty-nine Provided That the provisions of this act shall not apply to the foreclosure of mortgages insured under Title II of an Act of Congress of the United States entitled the "National Housing Act" approved the twenty-seventh day of June one thousand nine hundred thirty-four

The seventh section was read as follows:

Section 7 All acts and parts of acts inconsistent herewith are suspended while this act is in effect

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 3, section 6, line 17, by adding after the word "thirty-four" at the end of the line, the following: "or to the foreclosure of mortgages issued to and or held by any corporation organized and existing under the laws of the United States of America, if at the time of such foreclosure, the United States of America owns a majority of the capital stock of such corporation."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The preamble and title were separately read and agreed to as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

An Act authorizing Courts of Common Pleas to stay writs of execution against and tax sales of certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs and excepting mortgages issued under the National Housing Act.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2274, (Senate Bill No. 337), entitled:

An Act relating to memorial halls in counties of the second class erected in memory of the soldiers sailors and marines who served in the Civil War and providing for the use upkeep and management and control of such halls.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2256, (Senate Bill No. 892), entitled:

An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school districts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1684, as follows:

An Act to repeal section eight of the act approved the sixteenth day of April one thousand eight hundred and forty-nine (Pamphlet Laws 663) entitled "A supplement to the act relating to lunatics and habitual drunkards to punish aldermen and justices of the peace for misdemeanors relating to arbitrations in the district court in the City and County of Philadelphia relative to deeds of assignment relative to judgment liens relating to limitation of actions and relating to liens and terre tenants and for the more effectual punishment of the crimes of arson"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the sixteenth day of April one thousand eight hundred and forty-nine (Pamphlet Laws 663) entitled "A

supplement to the act relating to lunatics and habitual drunkards to punish aldermen and justices of the peace for misdemeanors relating to arbitrations in the district court in the City and County of Philadelphia relative to deeds of assignment relative to judgment liens relating to limitation of actions and relating to liens and terre tenants and for the more effectual punishment of the crimes of arson" be and the same is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2057, entitled:

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale storage use or distribution of liquid fuels to secure a permit or permits from pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act the term "liquid fuels" shall include all distillates of and condensates from petroleum natural gas coal tar vegetable ferments and other oils including among others gasoline naphtha benzol benzine or alcohols which are ordinarily practically and commercially usable in internal combustion engines for the generation of power except kerosene fuel oil and gas oil Provided That petroleum naphtha which distil by American Society of Testing Materials Methods D 86-27 or United States Bureau of Mines Method 100.13 not more than nine (9) per centum at 176° F sold for any purpose other than use in internal combustion engines for the generation of power and which are not ordinarily practically and commercially usable in internal combustion engines are not included in the definition of "liquid fuels" Provided further That kerosene fuel oil and gas oil used in internal combustion engines for the generation of power to propel vehicles of any kind or character which use the public highways in this Commonwealth shall be included within the definition of "liquid fuels"

The word "person" shall include natural persons copartnerships associations and corporations.

The second section was read as follows:

Section 2 (a) On and after the effective date of this act it shall be unlawful for any persons to use or operate a liquid fuels pump or outlet within this Commonwealth unless a liquid fuels pump or outlet permit or permits shall have been issued to him as hereinafter perscribed

(b) Every person desiring to use or operate any liquid fuels pump or outlet within this Commonwealth shall file an application for a liquid fuels pump or outlet permit or permits with the department Every application for a liquid fuels pump or outlet permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth and the number and location of each pump or outlet whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar ($1.00) for each permit and a separate permit shall be required for each pump or outlet provided

The permit fee for persons using a liquid fuels pump or outlet to dispense liquid fuels exclusively for their own use and not for sale shall be fifty cents ($.50) for each such pump or outlet Such permit shall be known as a private liquid fuels pump or outlet permit

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each aplicant a liquid fuels pump or outlet permit for each liquid fuels pump or outlet at each place of business within the Commonwealth set forth in his application Liquid Fuels pump or outlet permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed upon the pumps or outlets for which issued

All permits shall expire on the thirtieth day of June next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of July upon application made to the department and the payment of a renewal fee of one dollar ($1.00) unless the permit to be renewed is a private liquid fuels pump or outlet permit in which instance the renewal fee shall be fifty cents ($.50)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents ($.50)

(d) The department may suspend or after hearing revoke a liquid fuels pump or outlet permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any liquid fuels pump or outlet permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a liquid fuels pump or outlet permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

On the question,

Will the House agree to the section?

Mr. LEWIS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2 (a), page 2, line 26 by inserting between the words "outlet" and "within" the following: "from which liquid fuels are sold"

Amend section 2 (b), page 3, line 2 by inserting between the words "outlet" and "within" the following: "from which liquid fuels are sold"

Amend section 2 (b), page 4, lines 7 to 11 inclusive by striking out all of said lines

Amend section 2 (c), page 5, lines 1 to 4 inclusive by striking out the words "unless the per-" in line 1, and all of lines 2, 3 and 4.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the fifteenth sections inclusive were separately read and agreed to as follows:

Section 3 (a) Every person engaged in the business of selling liquid fuels to the consumer shall at all times have posted at his place of business in a conspicuous place at or near the pumps or containers from which such products are dispensed a sign showing the price for which said liquid fuel is sold

(b) No person shall sell or offer to sell or cause to be sold any liquid fuels at a price different from the price thereof so posted as required by this act

(c) No person shall in an attempt to evade the provisions of this act give or offer to give any liquid fuels or any merchandise or anything of value or any service for which payment is ordinarily required to any purchaser or prospective purchaser of any liquid fuels

Section 4 It shall be unlawful for any person to sell offer to sell or cause to be sold any liquid fuel unless the price thereof is plainly posted as herein provided

Section 5 It shall be unlawful for any person to sell deliver cause or permit to be sold any liquid fuel manufactured under a specific trade mark or distinctive trade name unless there shall be attached to or near the point or outlet from which liquid fuel is drawn for sale or delivery a sign or label comprising the trade name or trade mark of said liquid fuel

Section 6 It shall be unlawful for any person to sell offer to sell or cause to be sold any liquid fuels less than at the price posted in accordance with the requirements of this act

Section 7 It shall be unlawful for any person in an attempt to evade the provisions of this act to give or offer to give any liquid fuels or any merchandise or anything of value or any service for which payment is ordinarily required to any purchaser or prospective purchaser of any liquid fuels

Section 8 Whenever any liquid fuel shall be designated by a trade mark or distinctive trade name it shall be unlawful for any person to sell deliver cause or permit to be sold any liquid fuel not made by the producer using said trade mark or trade name

Section 9 It shall be unlawful for any person to sell or offer for sale any liquid fuel in any manner whatsoever which may deceive tend to deceive or have the effect of deceiving the purchaser of such products as to the nature quality or quantity of the products so sold exposed or offered for sale and where a branded product is offered for sale either by sign poster or advertisement it shall specify the name or trade name of such product and where the product is not of a particular brand such sign poster or advertisement shall designate the same as "unbranded"

Section 10 It shall be unlawful for any person to disguise or camouflage his own equipment by imitating the design symbol or trade name of the equipment under which recognized brands of liquid fuels are generally marketed

Section 11 It shall be unlawful for any person to mix blend or compound liquid fuels of any manufacturer or distributor with the products of any other manufacturer or distributor or to adulerate the same or to expose or offer for sale or sell such mixed blended or compounded products under the trade name trade mark or other distinguishing mark of either of such manufacturers or distributors or as the adulterated products of such manufacturer or distributor Provided however That nothing herein shall prevent the lawful owner thereof from applying its trade mark trade name or symbol to any product or material manufactured by him

Section 12 It shall be unlawful for any person or persons to aid or assist any other person in violating any of the provisions of this act by the depositing or delivering into any tank or receptacle or other container any liquid fuels other than those indicated by trade name trade mark or other distinguishing mark displayed on the container itself or on the pump or other distributing device used in connection therewith or by any other means to aid or assist another in the violation of any of the provisions of this act

Section 13 Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five thousand dollars ($5,000) or in the case of individuals the members of copartnerships and associations and the officers and managers of corporations to undergo imprisonment for not more than one year or both in the discretion of the court The Department of Revenue is hereby charged wih the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce the rules and regulations for any matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 14 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 15 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 16 This act shall become effective upon the first day of July one thousand nine hundred and thirty-seven

The title was read as follows:

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale storage use or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties.

On the question,

Will the House agree to the section?

Mr. LEWIS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 1, line 3 of the title by striking out the words "storage use"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

HOUSE BILL No. 2240 MADE A SPECIAL ORDER

Mr. OMINSKY. Mr. Speaker, I move that House Bill No. 2240, Senate Bill No. 1005, Printer's No. 346, entitled:

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three)

on page 25 of today's calendar, bills on third reading, be made a special order of business on third reading and final passage at 3:10 p. m. today.

The motion was agreed to.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 18, 1937.

Resolver, (if the House of Representatives concur), That Senate Bill No. 425, Printer's No. 383, entitled: An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 17, 1937.

Resolved (if the Senate concur), That House Bill No. 1642, Printer's No. 814, entitled "An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school direcors and imposing penalties" be recalled from the Governor for the purpose of amendment.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 794

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill number and entitled as follows:

HOUSE BILL No. 794.

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing for the violation of this act" by restricting the business of lending by others than licensed lenders by enlarging for powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties

SPECIAL ORDER OF THIRD READING AND FINAL PASSAGE ON HOUSE BILL NO. 2240

The SPEAKER. The Chair now lays before the House the special order on third reading and final passage fixed for this time, House Bill No. 2240, Senate Bill No. 1005, Printer's No. 346, on page 25 of today's calendar.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2240, (Senate Bill No. 1005), entitled:

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153

Achterman,	Falkenstein,	McArdle,	Sarraf,
Alexander,	Finnerty,	McCullough,	Scanlon,
Allen,	Fitch,	McDermott,	Schor,
Allmond,	Flanagan,	McElroy,	Schrope,
Arnold,	Flannery,	McFall,	Shaw,
Aukerman,	Flinchbaugh,	McGee,	Shea,
Baine,	Ganser,	McShane,	Shepard,
Baker, J. J.,	Gerard,	Melchiorre,	Shoemaker,
Balthaser	Gorski,	Mellott,	Shugarts,
Bierly,	Haberlen,	Mihm,	Siegel,
Blank,	Hagerty,	Moomaw,	Simon,
Bohn,	Hamilton, F. P.,	Mooney,	Skale,
Boles,	Harkins,	Moran,	Smith, James A.,
Boltz,	Harmuth,	Moul,	Smith, John A.,
Bradley,	Hays,	Munley,	Spengler,
Brancato,	Hering,	Murrin,	Stank,
Brigerman,	Hess,	Nagel,	Thomas,
Broad,	Hetrick,	O'Brien,	Thompson,
Brown,	Hindman,	O'Connor,	Toole,
Brownfield,	Hirsch,	O'Keefe,	Tronzo,
Burrows,	Holland,	Ominsky,	Tumelty,
Caesar,	Holmes,	O'Neill,	Valibus,
Caputo,	Holstrom,	Ostroff,	VanSickle,
Chervenak,	Hontz,	Patterson, C. S.,	Vogt,
Coakley,	Horting,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Jirolanio,	Pearson,	Walsh,
Cohen, R. E.,	Keenan,	Pershing,	Weiss, D. H.,
Coleman,	Kelso,	Piole,	Weiss, S. A.,
Coolahan,	Kilroy,	Powers,	Welliver,
Corrigan,	Kroll,	Preston,	Welsh,
Costanzo,	LaRue,	Readinger,	Westrick,
DeNote,	Levy,	Reese,	Whalen,
Dickinson,	Lewis,	Reising,	Whitenight,
Donohoe,	Long,	Richter,	Wright,
Dougherty,	Lopresti,	Robinson,	Yanoshat,
Downey,	Lovett,	Rothenberger,	Yourishin,
Dubbs,	Marino,	Ruffennach,	Zappala,
Dyson,	Matthews, H. T.,	Rush,	Furman,
Elpern,			

NAYS—53

Atkins,	Kane,	Schrock,	Trout,
Baker, F. T.,	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker	Simpson,	Wall,
Cadwalader,	Lyons,	Sloan,	Wampole,
Davies,	Matthews, J. F.,	Snyder,	Watkins,
Eckels,	McDevitt,	Sollenberger,	Webster,
Fiss,	McKinney,	Sproul,	Weidemann,
Gillette,	Merrell	Stackpole,	Wilson,
Habbyshaw,	Muir,	Stewart,	Winner,
Hall,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Royer,	Terry,	Yeakel,
Imbrie,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

MOTION TO TAKE BILL FROM TABLE

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that House Bill No. 606, Printer's No. 773, together with the amendments, which were laid upon the table, be taken from the table.

On the question,

Will the House agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. McARDLE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. McARDLE. I would like to know, Mr. Speaker, how many times this bill can be voted upon in this way.

The SPEAKER. The bill may be voted upon as many times as the House chooses to vote upon it, to take it from the table.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. SAMUEL A. WEISS and Mr. AUKERMAN and were as follows:

YEAS—78

Atkins,	Hetrick,	Patterson, J. W.,	Sproul,
Aukerman,	Hindman,	Perry,	Stackpole,
Baine,	Holland,	Pershing,	Stewart,
Boose,	Hontz,	Powers,	Stockham,
Boyer,	Horting,	Preston,	Thomas,
Broad,	Imbrie,	Readinger,	Tronzo,
Caputo,	Kane,	Reese,	Trout,
Cohen, H. B.,	Keenan,	Richter,	Turner,
Dickinson,	Leisey,	Robinson,	VanAllsburg,
Downey,	Lovett,	Royer,	Wampole,
Eckels,	Marino,	Ruffennach,	Webster,
Elpern,	McCullough,	Rush,	Weidemann,
Fiss,	Mellott,	Schrope,	Weiss, D. H.,
Gerard,	Merrell,	Schumacher,	Weiss, S. A.,
Haberlen,	Mihm,	Serrill,	Whalen,
Hall,	Moomaw,	Shaw,	Wilson,
Harkins,	Moran,	Snyder,	Wood,
Harmuth,	Murrin,	Sollenberger,	Woodside,
Hays,	O'Keefe,	Spengler,	Yeakel,
Hess,	Patterson, C. S.,		

NAYS—94

Achterman,	Donohoe,	LaRue,	Reising,
Alexander,	Dougherty,	Levy,	Rothenberger,
Allen,	Dubbs,	Lewis,	Scanlon,
Allmond,	Dyson,	Long,	Schor,
Arnold,	Falkenstein,	Longaker,	Siegel,
Baker, J. J.,	Finnerty,	Lopresti,	Skale,
Balthaser	Fitch	Lyons,	Sloan,
Bierly,	Flanagan,	McArdle,	Stank,
Blank,	Flannery,	McDermott,	Strode,
Bohn,	Flinchbaugh,	McElroy,	Thompson,
Boles,	Gillette,	McFall,	Toole,
Boltz,	Habbyshaw,	McGee,	Tumelty,
Brancato,	Hagerty,	McKinney,	Valibus,
Brigerman,	Hamilton, F. P.,	Mooney,	VanSickle,
Burrows,	Hamilton, R. S.,	Muir,	Wagner,
Cadwalader,	Hering,	Munley,	Wall,
Caesar,	Hirsch,	O'Brien,	Watkins,
Coakley,	Holmes,	O'Connor,	Welliver,
Cohen, R. E.,	Holstrom,	Ominsky,	Wright,
Coleman,	Huntley,	O'Neill,	Yanoshat,
Corrigan,	Jirolanio,	Ostroff,	Yourishin,
Costanzo,	Kilroy,	Peale,	Zappala,
Davies,	Kline,	Pearson,	Furman,
DeNote,	Kroll,	Piole,	

So the question was determined in the negative and the motion was not agreed to.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 794.

An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of

this act" by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 17, 1937.

Resolved (if the Senate concur), That House Bill No. 1159, Printer's No. 731, entitled "An Act to amend section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled 'An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existing corporations authorized to engage in a banking business with or without fiduciary powers or private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts' as amended by providing further with regard to limitations upon loans to one corporation or person," be recalled from the Governor for the purpose of amendment.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 753.

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political sub-divisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Represenatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 3, page 6, by striking out in lines 28 and 29 the words "Any political subdivision of the Commonwealth" and inserting in lieu thereof the words "Any county city borough or township"

Amend section 4, page 8, line 1, by inserting after the word "county" the words "or engaged in the performance of a municipal function"

Amend section 5, page 10, by striking out in line 9 the word "persons" and inserting in lieu thereof the words "citizens residents of the county"; also by inserting after the word "county" at the end of line 10 the following: "except that in counties of the third class the governing body of the county shall appoint two members of the housing authority of such county and the Governor shall appoint three members of the housing authority of such county Such members shall be citizens residing within the county for which the authority is created"; also in line 16 by striking out the word 'persons" and inserting in lieu thereof the words "citizens residents of the city"; also in line 17 by striking out the word "except" and inserting in lieu thereof the figure "(1)"; also at the end of line 21 by inserting after the word "authority" the following: "(2) that in cities of the third class the mayor shall appoint two persons to be members of the housing authority of such city and the Governor shall appoint three persons of the housing authority of such city such members shall be citizens residing within the city for which the authority is created."

Amend section 8, page 12, line 16, by striking out after the word "member" the word "of" and inserting in lieu thereof the word "or"

Amend section 10, page 12, by striking out in line 27 the word "which" and inserting in lieu thereof the words "of the Commonwealth as an agency thereof which powers"

Amend section 21, page 29, by striking out at the end of line 3 the word "commissioners" and inserting in lieu thereof the word "members"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and neys were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,

Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holstrom,	Patterson, C. S.,	Trout,
Broad,	Hontz,	Patterson, J. W.,	Tumelty,
Brown,	Horting,	Peale,	Turner,
Brownfield,	Huntley,	Pearson,	Valibus,
Burrows,	Imbrie,	Perry,	VanAllsburg,
Cadwalader,	Jirolanio,	Pershing,	VanSickle,
Caesar,	Kane,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1769.

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards, election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 6, page 9, by striking out in lines 11 to 13 inclusive the words "The number and compensation of all such assistants and employes shall be fixed by the salary board of the county"; also on page 10, line 3, by striking out the words "salary board of the county" and inserting in lieu thereof the word "commission"

Amend section 17, page 16, by striking out in line 21 the words "by its own action"; also by striking out in lines 21 to 23 inclusive the words "or upon the signed petition of at least two hundred qualified electors of any ward of the city requesting the same shall"; also in line 28 by striking out before the word "ward" the word "said" and inserting in lieu thereof the word "any"; also on page 17 by striking out all of lines 3 to 24 inclusive as follows: "Said petitions to be effective shall be filed with the Commission at least forty-five days prior to any primary or election Immediately upon such motion of the commission or immediately upon the receipt of any such petition the Commission shall notify in writing the county chairmen of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of the filing of said petition and of the number of registrars the Commission will appoint to serve in said wards Not later than the third day after receipt of said notice said chairmen shall submit to the Commission a list of qualified electors of the city to serve as registrars for said days Of the registrars appointed by the Commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairmen shall fail to submit such list within the time herein provided the Commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the city or shall appoint as all of such registrars any qualified electors of the city as the case may be"

Amend section 28, page 34, by striking out in lines 8 to 10 inclusive the words "In any case the commission shall advise the elector promptly in writing of its action"

Amend section 38, page 50, by striking out in lines 24 and 25 the words "Entry of Information in General Registers Following Elections and Primaries" and inserting in lieu thereof the words "Examination of District Registers"

Amend section 39, page 52, by striking out in line 15 the word "thirty-nine" and inserting in lieu thereof the word "thirty-seven"; also by striking out at the end of line 18 the word "registered"; also by inserting after the word "elector" in line 19 the words "who has been registered for a period of at least two years and"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ROBINSON. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1639.

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents providing for the commitment and transfer of such persons to such institution and discharge therefrom conferring powers and imposing duties on the Department of Welfare and courts and imposing certain charges on counties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by inserting in line 4 after the

word "delinquents" the following: "authorizing the preparation and equipment (including necessary construction) of the institution for such purposes either by the Department of Property and Supplies or The General State Authority and authorizing the necessary leases or conveyances for this purpose changing the name of the Board of Trustees of Pennsylvania Industrial School"; also in line 7 by inserting before the word "Department" the words "aforesaid board of trustees the."

Amend section 1, page 2, by striking out in line 8 the words "acquisition of lands and the"; also by striking out in lines 11 to 14 inclusive the words "conferring powers and imposing duties on the Department of Property and Supplies and the Department of Welfare imposing certain charges on counties and making an appropriation" and inserting in lieu thereof the following: "designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority authorizing the Commonwealth to lease the new school and its grounds from the General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon and conferring powers and imposing duties upon certain State departments boards commissions and officers"; also in line 17 by inserting after the word "Welfare" the words "with the approval of the Governor"; also same line by striking out the words "prepare and" and inserting in lieu thereof the words "either through the Department of Property and Supplies or The General State Authority"; also same line by inserting after the word "have" the words "Prepared and"; also in line 18 by inserting after the word "equipped" the words "(including any necessary construction)"; also by striking out in lines 24 and 25 the following: "said institution shall be known as the Pennsylvania Institution for defective delinquents"; also by inserting after line 25 the following new paragraphs: "In the event it is determined to have the said institution prepared and equipped (including any necessary construction) by The General State Authority the Department of Property and Supplies with the approval of the Governor is hereby authorized to either lease for a period not in excess of ninety-nine (99) years or grant and convey to The General State Authority (wherever may be required by said Authority) such land and buildings comprising said institution as may be necessary to enable The General State Authority to prepare and equip the institution as aforesaid The Department of Property and Supplies with the approval of the Governor is hereby authorized to enter into a lease for not more than fifty (50) years with the General State Authority to acquire the use of the institution and its grounds after it is prepared and equipped by The General State Authority as aforesaid for use as a State institution for defective delinquents.

Said institution shall be known as the Pennsylvania Institution for Defective Delinquents."

Amend section 2, page 3, by inserting before the word "Department" in line 4 the words "Board of Trustees of Pennsylvania Industrial School (hereinafter called the board) and the"; also by striking out all of line 5 as follows: "It shall have power to employ and fix the compensation"; also by striking out in lines 7 to 12 inclusive the following: "of a superintendent deputy superintendent chaplain guards physicians clerks mechanics stenographers and other employes as may be deemed necessary for the proper maintenance and management of said institution and the safekeeping therein of persons committed thereto or detained therein" and inserting in lieu thereof the words "Provided That said board shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents"; also in line 13 by striking out at the beginning of said line the words "persons so appointed" and inserting in lieu thereof the words "officers and employes".

Amend section 9, page 6, by striking out in lines 17 and 18 the words "Department of Welfare" and inserting in lieu thereof the word "board"; also at the beginning of line 21 by striking out the word "it" and inserting in lieu thereof the words "the board shall notify the Department of Welfare whereupon such department."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitld as follows:

HOUSE BILL No. 1715.

An Act to provent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken stand-

ard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 2, page 2, by inserting after the word "whatever" at the end of line 21 the following: "It shall be unlawful for any person co-partnership association or corporation to sell or offer for sale at retail any fruits or vegetables the weight of which is less than that represented."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2154.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenues, levied, assessed, collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 2, page 3, by striking out in line 15 the word "fascimile."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,

Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1130, as follows:

An Act to amend sections fifty and seventy-two as amended subsection (b) of section one hundred ninety-one section two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-one and section two hundred eighty-five as amended of and to add sections two hundred eighty-two and two hundred eighty-three to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by further regulating the taking of fish requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected and the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees and regulating closed seasons on boundary lakes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 50 Devices to Catch Game-fish Bait-fish and Fish-bait No person shall use any device means or method whatsoever except as in this article otherwise provided for taking fish from the waters within this Commonwealth except the following that is to say for

(a) Game-fish two rods and two lines and one hand line with not more than three hooks attached to either line

(b) Bait-fish and fish-bait two rods and two lines with not more than three hooks attached to each line a dip-net or minnow seine not over four feet square or four feet in diameter a minnow trap with not more than one opening which shall not exceed one inch in diameter The rods hooks and lines must be under the immediate control of the person using the same

(c) Pickerel not more than five tip-ups when fishing only through a hole in the ice

[(c)] (d) It shall be unlawful to take or attempt to take fish of any kind by the methods known as snatch-fishing foul hooking or snag-fishing or the taking or fishing for fish with hook or hooks baited or otherwise attached to rod or line or other device for the taking of or fishing for fish with any device whatsoever which may be used to capture any fish by engaging such device into or with any part of the body of a fish

(e) Eels in rivers of this Commonwealth in addition to such rods and lines eel chutes from the first day of August to the last day of November in each year Sundays excepted but only from four o'clock in the afternoon to eight o'clock in the morning on such days when a special license therefor in addition to the regular fishing license has been first secured Eel chutes to be lawful shall not have any wings of netting of any kind or any cloth or wire netting but shall be constructed of wooden slats or lath which shall not be closer than one-half inch in the bottom Eel chutes shall not be more than five feet long and the width of entrance of an eel chute shall not be more than ten feet A metal tag issued at the time the special license is secured shall be securely fastened to the eel chute in a conspicuous place

No wing walls of stone or other material shall be constructed for more than three-fourths of the distance across any river The heads of no two wing walls when constructed side by side shall be closer together than a distance of twenty feet

All eel chutes must be kept free of rubbish and all game fish found therein must be immediately returned to the water of the river uninjured

During the hours of each day and on Sunday when the operation and use of eel chutes is not legal under this section a portion of the bottoms of such chutes shall be removed to facilitate the unobstructed passage of fishes

(f) It shall be unlawful to take or attempt to take fish of any kind by trolling from a moving boat electrically propelled or propelled by an internal combustion motor

Section 2 That section seventy-two of said act as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1145) is hereby further amended to read as follows

Section 72 Closed Season No person shall catch take or have in possession the same being killed any game-fish from the first day of [November] December to the [twenty-ninth day of May] fourteenth day of June next ensuing both dates inclusive

Provided however That pickerel may be caught and taken not exceeding the daily creel limits fixed by this act during the months of December and January but only when tip-ups are employed while fishing through holes in the ice.

Any person violating the provisions of sections seventy-one or seventy-two of this act shall on conviction in the manner provided in chapter fourteen of this act be subject to a penalty of five dollars for each and every fish caught killed or had in possession

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 3 That subsection (b) of section one hundred ninety-one of said act which was added by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 263) is hereby amended to read as follows

(b) Interference with Dams Deflectors and Retards Et Cetera Dams deflectors retards or similar devices placed across or in any [stream] waters inhabited by fish with permission of the owner or owners of the land adjacent thereto or through which such [stream] water flows shall not be destroyed removed breached or disturbed except by written permission first obtained from the board Any person or persons violating the provisions of this subsection shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars for each dam deflector retard or similar device destroyed or removed or breached or disturbed

Section 4 That section two hundred twenty-six of said act as amended by the act approved the tenth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 296) is hereby further amended to read as follows

Section 226 Unlawful to Fish Without License No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license hereinbefore provided be at such time continually kept about the person of the licensee and exhibited upon

the request of any fish warden sheriff constable or other officer of the Commonwealth No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license button be at such time continually displayed on the outer garment in such manner that the license figures are plainly visible

The provisions of this section shall not apply to a person holding a fishing license issued pursuant to the laws of the State of New York when fishing by angling in that portion of the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of this State if the persons holding angling licenses issued pursuant to the provisions of this act when fishing by angling in the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of the State of New York are not required to have New York licenses nor shall the provisions of this section apply to a person holding a fishing license issued pursuant to the laws of the State of Ohio when fishing by angling in the waters of the Pymatuning Lake or reservoir within the jurisdiction of this State if the person holding licenses issued pursuant to the provisions of this act when fishing by angling in the waters of said lake within the jurisdiction of the State of Ohio are not required to have Ohio licenses Provided however That where the persons doing such fishing shall fish from the bank on lands in Pennsylvania then a Pennsylvania license shall be required And provided further That where such fishing is done by persons residing in Pennsylvania whether permanently or only temporarily a Pennsylvania license shall be required

Section 5 That section two hundred twenty-eight of said act is hereby amended to read as follows

Section 228 Penalty Revocation of Licenses Period of Revocation Any person violating any provisions of this article shall on conviction in the manner provided in chapter fourteen of this act be sentenced for each offense to pay a fine of twenty-five dollars It shall be unlawful for any person to obtain or use a fishing license during the period for which his license was revoked and any person violating this provision shall be subject to the penalty provided in this section In addition to [such] any penalty provided for any violation of this act the fishing license of any person convicted or signing an acknowledgment as hereinafter provided shall be void and the license and license button shall be surrendered by such person and immediately sent by the court making the conviction or the officer taking the acknowledgment to the [commissioner] board at Harrisburg In such cases and in cases where a person has been convicted of a violation of this act who does not possess a fishing license the board shall notify him of the time during which he shall not be eligible to possess a fishing license and during which period he may not apply for such a license but no such period shall exceed three years

Section 6 That section two hundred fifty-one of said act is hereby amended to read as follows

Section 251 Power of Commissioner and His Agent to Fish Rules and Regulations The Commissioner or his agent may catch fish in any of the waters of this Commonwealth at any season of the year and with any kind of nets or devices The Commissioner with the approval of the Board may promulgate such rules and regulations for the angling catching or removal of fish in or from any of the inland waters artificial or otherwise [wholly within] and the boundary lakes and boundary rivers of this Commonwealth as he may deem necessary To aid in the better protection of fish in any of the inland waters and boundary lakes and boundary rivers of this Commonwealth the Board may also reduce or increase open seasons and creel possession size and season limits or may close or open seasons as in its judgement may be necessary to conserve the future fish supply in any portion of the inland waters and boundary lakes and boundary rivers of this Commonwealth

To reduce or increase open seasons or creel limits or to open or close seasons for fishing in any portion of the inland waters or boundary lakes or boundary rivers of the Commonwealth the Board shall prepare and distribute such posters or notices as in its judgement may be necessary to give due notice of its regulations adopted hereunder

Any person violating any of said rules and regulations shall upon conviction as provided in chapter fourteen of this act be sentenced to pay a fine of twenty dollars

Section 7 That said act is hereby further amended by adding thereto after section two hundred eighty-one two new sections to read as follows

Section 282 Fines to be Forwarded to Commissioner All fines recovered in cases where the prosecutor is a salaried officer of the Commonwealth shall be immediately surrendered by the court receiving the same to the prosecutor who in turn as soon as may be shall forward or deliver such fines and penalties to the commissioner Where any officer of the Commonwealth other than a salaried officer is the prosecutor the fines and penalties shall as soon as the case is fully determined by any magistrate alderman or justice of the peace be forwarded by such magistrate alderman or justice of the peace to the commissioner at Harrisburg together with a statement of the cause for which such fines were collected the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution All fines received by the commissioner shall be paid into the State Treasury monthly by and through the Department of Revenue for the use of the fish fund

Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate alderman or justice of the peace imposing or receiving the same to the commissioner upon form furnished by the Department of Revenue such reports shall be made monthly not later than the tenth day of the following month

Any magistrate alderman or justice of the peace who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a Court of Quarter Sessions shall be sentenced to pay a fine of one hundred dollars and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 283 Return of Fine Erroneously Paid Whenever the board is satisfied that any fine paid into the State Treasury under the provisions of this act was erroneously collected and deposited the board within six months after such deposit may by resolution direct the commissioner to draw a requisition upon the fund into which fund such fine was deposited for the amount involved Upon the receipt of such requisition and an extract of the minutes of the board the Auditor shall draw his warrant upon the State Treasurer in favor of the person from whom such fine was erroneously collected

Section 8 That section two hundred eighty-five of said act as last amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 205) is hereby amended to read as follows

Section 285 Fish License Fund Established All fees fines penalties and other moneys paid received recovered and collected (a) under the provisions of any law repealed and replaced by this act now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law or (b) that may be hereafter paid recovered received and collected under the provisions of any act repealed and replaced by this act or (c) that may be paid received recovered and collected under the provisions of this act shall be placed in a separate fund by the State Treasurer to be known as "The Fish Fund" and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and non-resident fishing licenses and license buttons and under the direction of the board for the following purposes

(a) The payment of the salaries wages or other compensation of the Commissioner of Fisheries such deputies directors superintendents bureau or division chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticans clerks

stenographers bookkeepers messengers fish wardens laborers and other assistants and employes as may be required for the work of the board and such special deputy attorneys general assistant deputy attorneys general as may be assigned by the Attorney General to the board or for handling any legal business pertaining to its work

(b) The payment of the traveling and other expenses of the members officers and employes of the Board of Fish Commissioners

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding as may be necessary in the conduct of the work of the board and the payment of premiums on surety bonds for such officers or employes of the board as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and persons operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the board

(d) The payment of postage telegrams telephone rentals telephone toll charges and rentals for patented leased office devices or machines

(e) Rentals for any offices outside of the Capitol Buildings or any other grounds buildings or quarters necessary for the work of the board

(f) The propagation protection and distribution of fish and the stocking of waters within this Commonwealth as provided by law

(a) Necessary repairs and improvements to fish hatcheries or other buildings offices or quarters used in the work of the board

(h) Field work gathering spawn and transferring fish

(i) The maintenance and operation of a boat on Lake Erie and the cruiser "Anna" at Torresdale on the Delaware River and

(j) Any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the board

(k) With the consent of the Governor for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing hunting and forest purposes and said lands and waters so purchased shall be under the supervision direction and control of the board and

(l) The purchase and acquisition of additional lands for State fish hatcheries the purchase acquisition and erection of buildings ponds and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries hereafter established and for the distribution of fish from hatcheries and the stocking of waters within this Commonwealth [All moneys received from license fees in any fiscal year in excess of three hundred and fifty thousand ($350,000) dollars shall be expended solely and exclusively for the purposes set forth in this clause]

All moneys in such separate fund from time to time are hereby specifically appropriated to the Department of Revenue and the board and may be expended for the purposes hereinbefore enumerated All printing buttons and other supplies or materials purchased by the Department of Revenue for the purpose of performing its duties under the provisions of this act shall be purchased through the Department of Property and Supplies as purchasing agency

Estimates of the amounts to be expended under this act from time to time by the Department of Revenue and the Board of Fish Commissioners respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the Board of Fish Commissioners in excess of the estimates approved by the Governor Subject to the foregoing provisions the Auditor General shall from time to time upon requisition of the Secretary of Revenue or of the Commissioner draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund at the time of making such requisition

Section 9 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Achterman,	Flinchbaugh,	McGee,	Simon,
Alexander,	Ganser,	McKinney,	Simpson,
Allen,	Gerard,	McShane,	Skale,
Allmond,	Gillette,	Melchiorre,	Sloan,
Arnold,	Gorski,	Mellott,	Smith, James A.,
Atkins,	Habbyshaw,	Merrell	Smith, John
Aukerman,	Haberlen,	Mihm,	Snyder,
Baine,	Hagerty,	Moomaw,	Sollenberger,
Baker, F. T.,	Hall,	Mooney,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Sproul,
Balthaser,	Hamilton, R. S.,	Moul,	Stackpole,
Bierly,	Harkins,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,
Flannery,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1712, as follows:

A Supplement to the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing

for the expenses thereof" increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district

Section 1 (a) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the powers now possessed and exercised by the judges of the County Court in and for the County of Allegheny said judges shall when called upon by the president judge of the Court of Common Pleas of the same judicial district as hereinafter provided have power to hear and determine when certified according to the provisions of clause (b) of this section all pleas or criminal issues and all issues and other matters in the Court of Oyer and Terminer and General Jail Delivery and the Court of Quarter Sessions of the Peace for said judicial district so fully and effectually and to dispose thereof in the same manner as may be done by the judges of the Court of Common Pleas sitting in said courts

(b) Nothing in this section shall be construed to make it compulsory upon the judges of said County Court to render the services aforesaid but when the proper dispatch of business requires it and an arrangement can be made with the president judge of said County Court in and for the County of Allegheny for the services of a judge or judges of said County Court in and for the County of Allegheny the president judge of the Court of Common Pleas of the same judicial district may certify all matters or issues to be heard and determined by such judge or judges of the County Court in and for the County of Allegheny specially serving as aforesaid

(c) Whenever either of the president judges of the Court of Common Pleas or of the County Court in and for the County of Allegheny shall be absent from the district or disabled by sickness and occasion shall occur it shall be competent for the judge oldest in commission in either of said courts being then in the district and able to act to arrange for the services herein provided for and to make the necessary certificates in like manner and to the same intent effect and purpose as the same could be done by said president judge

(d) No judge of the County Court in and for the County of Allegheny who shall render services as herein provided shall receive any extra compensation or remuneration for such services in addition to the salary provided for the services of such judge as a judge of the County Court in and for the County of Allegheny

Section 2 The provisions of this act shall become effective immediately upon final enactment

Section 3 All acts or parts of acts which are inconsistent herewith shall be and the same are hereby repealed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Manley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Vallbus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Eipern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 185, as follows:

An Act to provide for an additional law judge of the Court of Common Pleas in the twenty-first judicial district

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the judges provided for in the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred sixty-seven) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" an additional law judge is hereby authorized and provided for the Court of Common Pleas of the twenty-first judicial district who shall possess the same qualifications which are required by the Constitution and laws for the president judge of said district and who shall hold his office for a like term and by the same tenure and shall have the same power authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same compensation provided for by law of judges learned in the law of the courts of said judicial district

Section 2 At the next municipal election after the passage of this act the qualified electors of the said twenty-first judicial district shall elect in the same manner prescribed by law for the election of a president judge a competent person learned in the law to serve as said additional law judge of the Court of Common Pleas of said twenty-first district from the first Monday in January one thousand nine hundred and thirty-eight for a term of ten years Vacancies in the office hereby created whether caused by death resignation expiration of term or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge

Section 3 The Governor is hereby authorized to appoint one competent person learned in the law as such additional law judge of the Court of Common Pleas of the said twenty-first judicial district to serve until the first Monday of January succeeding the next municipal election

Section 4 This act shall become effective immediately upon its final enactment

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—152

Achterman,	Falkenstein,	McArdle,	Scanlon,
Alexander,	Finnerty,	McCullough,	Schor,
Allen,	Fitch,	McDermott,	Schrope,
Allmond,	Flanagan,	McElroy,	Shaw,
Arnold,	Flannery,	McFall,	Shea,
Aukerman,	Flinchbaugh,	McGee,	Shepard,
Baine,	Ganser,	McShane,	Shoemaker,
Baker, J. J.,	Gerard,	Melchiorre,	Shugarts,
Balthaser,	Gorski,	Mellott,	Siegel,
Bierly,	Haberlen,	Mihm,	Simon,
Blank,	Hagerty,	Moomaw,	Skale,
Bohn,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Boies,	Harkins,	Moran,	Smith, John A.,
Boltz,	Harmuth,	Moul,	Spengler,
Bradley,	Hays,	Munley,	Stank,
Brancato,	Hering,	Murrin,	Thomas,
Brigerman,	Hess,	Nagel,	Thompson,
Broad,	Hetrick,	O'Brien,	Toole,
Brown,	Hindman,	O'Keefe,	Tronzo,
Brownfield,	Hirsch,	Ominsky,	Tumelty,
Burrows,	Holland,	O'Neill,	Valibus,
Caesar,	Holmes,	Ostroff,	VanSickle,
Caputo,	Holstrom,	Patterson, C. S.,	Vogt,
Chervenak,	Hontz,	Patterson, J. W.,	Wagner,
Coakley,	Horting,	Pearson,	Walsh,
Cohen, H. B.,	Jirolanio,	Pershing,	Weiss, D. H.,
Cohen, R. E.,	Keenan,	Piole,	Weiss, S. A.,
Coleman,	Kelso,	Powers,	Welliver,
Coolahan,	Kilroy,	Preston,	Welsh,
Corrigan,	Kroll,	Readinger,	Westrick,
Costanzo,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.,	Sarraf,	

NAYS—54

Atkins,	Imbrie,	Royer,	Trout,
Baker, F. T.,	Kane,	Schrock,	Turner,
Boose,	Kline,	Schumacher,	VanAllsburg,
Boyer,	Leisey,	Serrill,	Wall,
Cadwalader,	Longaker,	Simpson,	Wampole,
Davies,	Lyons,	Sloan,	Watkins,
Eckels,	Matthews, J. F.,	Snyder,	Webster,
Elpern,	McDevitt,	Sollenberger,	Weidemann,
Fiss,	McKinney,	Sproul,	Wilson,
Gillette,	Merrell,	Stackpole,	Winner,
Habbyshaw,	Muir,	Stewart,	Wood,
Hall,	O'Connor,	Stockham,	Woodside,
Hamilton, R. S.,	Peale,	Strode,	Yeakel,
Huntley,	Perry,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1779, as follows:

An Act to amend section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 354 Prohibiting the Use of Policies Contracts etc Unless Approved Penalty It shall be unlawful for any insurance company association or exchange doing business in this Commonwealth to issue sell or dispose of any policy contract or certificate covering life health accident personal liability fire marine title and all forms of casualty insurance or contracts pertaining to pure endowments or annuities or any other contracts of insurance or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and formally approved by the Insurance Commissioner and copies filed in the Insurance Department except riders and endorsements relating to the manner of distribution of benefits and to the reservation of rights and benefits under any such policy and used at the request of the individual policyholder and except any forms which in the opinion of the Insurance Commissioner do not require his approval

Such approval granted by the Insurance Commissioner shall become void upon any subsequent notice from the Insurance Commissioner or upon any subsequent withdrawal of license or refusal of the Insurance Commissioner to re-license any such company association or exchange or upon the subsequent passage of an act which would no longer make such contracts or related forms a fit subject for approval except that this provision shall not affect contracts issued prior thereto

Any person corporation insurance company exchange order or society that shall either as principal or agent issue or cause to be issued any policy or contract of insurance within the Commonwealth contrary to this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

The amendments to this section shall not be construed as extending the provisions of this section to domestic mutual fire insurance companies not heretofore subject to the provisions hereof

Upon satisfactory evidence of the violation of this section by any such person corporation insurance company exchange order or society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation insurance company exchange order or society (2) refuse for a period of not to exceed one year thereafter to issue a new license to such person corporation insurance company exchange order or society (3) impose a fine of not more than one thousand dollars ($1,000.00) for each and every act in vio-

lation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation insurance company exchange order or society agrrieved may appeal therefrom to the Court of Common Pleas of Dauphin County

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1129, as follows:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(a) "Dealer in farm produce" means any person association copartnership or corporation engaged in the business of buying receiving selling exchanging negotiating or soliciting the sale re-sale exchange or transfer of any farm produce and includes every person association copartnership or corporation receiving or purchasing farm produce on consignment or on a net return basis

(b) "Department" means the Department of Agriculture of this Commonwealth

(c) "Farm produce" includes all agricultural horticultural vegetable fruit and floriculture products of the soil poultry eggs nuts flowers and honey but shall not include timber products tea coffee or livestock

(d) "Net return basis" means a purchase for sale of farm produce from a producer or shipper at an unfixed or unstated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbitrator of the price to be paid

(e) "On consignment" means any receiving or sale of farm produce for the account of a person other than the seller wherein the seller acts as the agent for the owner

(f) "Producer" means any producer of farm produce in this Commonwealth

Section 2 The provisions of this act shall not apply to

(a) The sale of farm produce for cash cash to mean settlement in full on or before delivery

(b) Farmers who sell farm produce raised by themselves or who at the time of such sales sell farm produce raised by their neighbors on behalf of such neighbors

(c) Seeds sold at retail

(d) Agricultural cooperative associations which market farm produce for their members

Section 3 On and after December thirty-first one thousand nine hundred and thirty-seven it shall be unlawful for any dealer in farm produce to engage in business in this Commonwealth unless he or it shall hold a license issued by the department as provided in this act

Section 4 Every dealer in farm produce desiring to transact business within this Commonwealth shall annually on or before December first file an application for such license with the department The application shall be on a form furnished by the department and together with such other information as the department shall require shall state

(a) The kind or kinds of farm produce which the applicant proposes to handle

(b) The full name or title of the applicant or if the applicant be an association or copartnership the name of each member of such association or copartnership or if the applicant be a corporation the name of each officer of the corporation

(c) The names of the local agent or agents of the applicant if any

(d) The cities boroughs towns and townships within which places of business of the applicant will be located together with the street or mailing address of each

Section 5 Unless the department refuses the application on one or more of the grounds hereinafter provided it shall issue to such applicant upon the payment of proper fees and the execution and delivery of a bond as hereinafter provided a license entitling the applicant to conduct business as a dealer in farm produce at each place named in the application until the thirty-first day of December in the year next following The fee for such license shall be ten dollars ($10.00) for each place of business which the applicant desires to conduct and names in the application

Section 6 Before any license shall be issued the applicant therefor shall make and deliver to the department a surety bond in the amount of at least three thousand dollars ($3,000) or in such greater amount as the department may determine not exceeding the maximum amount

of business done or estimated to be done in any month by the applicant executed by a surety corporation authorized to transact business in this Commonwealth to the Commonwealth of Pennsylvania to the use of producers of farm produce handled by the applicant Such bond shall be upon a form prescribed or approved by the department and shall be conditional to secure the faithful accounting for and payment to producers of the proceeds of all farm produce handled or sold by such dealer Actions or suits upon the appropriate bond may be brought directly by any producer his representatives successors or assigns to whom the principal named in such bond has failed to render an account or to make payment for farm produce in any court of competent jurisdiction to recover for any loss or damage resulting from such breach of the condition of such bond Provided however That in lieu of such bond the department may accept and hold sufficient collateral of the applicant which shall in all respects be subject to the same claims and actions as would exist against the bond And provided further That if the bond or collateral thus posted shall be insufficient to pay in full the valid claims of producers the department may direct that the proceeds of such bond or collateral shall be divided pro rata among such producers

Section 7 Every dealer in farm produce shall upon the receipt of farm produce for which payment is not made on delivery and as he handles and disposes of the same make and preserve for at least two years a record thereof specifying the name and address of the producer consigning such farm produce the date of receipt the kind and quality of such produce the amount of goods sold the name and address of the purchaser except that where sales total less than five dollars ($5.00) in value such sales may be made to order of "cash" the selling price thereof and the items of expenses connected therewith An "account sales" together with payment in settlement for said shipment shall be mailed to the producer within forty-eight hours after the sale of such farm produce unless otherwise agreed in writing

Section 8 The department shall have power to investigate upon complaint in such form as it may require of any interested persons or upon its own initiative the record of any applicant or licensee or any transaction involving the solicitation receipt sale or attempted sale of farm produce the failure to make proper and true accounts and settlements at prompt and regular intervals the making of false statements as to condition quality or quantity of goods received or while in storage the making of false statements as to market conditions with intent to deceive or the failure to make payment for goods received or other alleged injurious transactions For such purposes the department may examine at the place or places of business of the applicant or licensee his ledgers books of accounts memoranda and other documents which relate to the transaction involved and may take testimony thereon under oath

Section 9 The department may decline to grant a license or may suspend or revoke a license already granted if it is satisfied that the applicant or licensee has either

(1) Suffered a money judgment to be entered against him upon which execution has been returned unsatisfied or

(2) Made false charges for handling or services rendered or

(3) Failed to account promptly and properly or to make settlements with any producer or

(4) Made any false statement or statements as to condition quality or quantity of goods received or held for sale when he could have ascertained the true condition quality or quantity by reasonable inspection or

(5) Made any false or misleading statement or statements as to market conditions or service rendered or

(6) Been guilty of a fraud in the attempt to produce or the procurement of a license or

(7) Directly or indirectly purchased farm produce received on consignment or on a net return basis for his own account without prior authority from the producer consigning the same or without notifying such producer

Section 10 Before the department shall refuse suspend or revoke any license it shall give ten days' notice by registered mail to the applicant or licensee of a time and place of hearing At such hearing the applicant or licensee shall be privileged to appear in person or by or with counsel and to produce witnesses If the department shall find the applicant or licensee shall have been guilty of any of the acts provided in section nine of this act the department may refuse suspend or revoke such license and shall give immediate notice of its action to the applicant or licensee

Section 11 Any applicant or licensee aggrieved by any decision of the department shall have the right of appeal therefrom within thirty days from the date of notice to the Court of Common Pleas of Dauphin County

From a decision of the Court of Common Pleas of Dauphin County an appeal may be taken by either party to the Superior or Supreme Court of Pennsylvania as in other cases

No appeal shall act as a supersedeas but pending final disposition of an appeal under this section the department may for special cause shown grant in writing temporary permission revocable at any time and subject to such terms and conditions as the department may prescribe to transact business as a dealer in farm produce but unless such permission be granted any applicant to whom a license has been refused and any licensee whose license has been revoked by the department who shall do business as a dealer in farm produce shall be liable therefor to the same extent as if no application had been filed

Section 12 Any dealer in farm produce violating the provisions of section three of this act or interferring with an agent of the department in the enforcement of this act shall for the first or second offense upon conviction in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail for a period not exceeding sixty (60) days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 13 The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 14 The Department shall enforce and shall adopt rules and regulations deemed necessary to carry out the provisions of this act

Section 15 All moneys received from license fees and fines shall be immediately paid by the department into the State Treasury through the Department of Revenue and credited to the General Fund

Section 16 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,

Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1305, as follows:

An Act to amend section twenty-nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effort of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim and providing for the management and disposition of said property after said sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

Section 29 The plaintiff in any judgment recovered on a tax or municipal claim may upon paying the sheriff's costs fix an upset price to be realized at any sale under such judgment sufficient to pay all taxes and municipal claims and all accrued but unfiled taxes and claims in full No sale shall be made on a judgment recovered on a tax or municipal claim except for a sum sufficient to pay all taxes and municipal claims in full except as hereinafter provided and the plaintiff in such judgment may purchase the property at such sale for that sum if no one bids a higher price therefore except when a municipality is the real plaintiff in such judgment and no one else bids a sum sufficient to pay sheriff's costs and all taxes and municipal claims in full said municipality may purchase the property for the sheriff's costs thereon subject to the lien of all taxes and municipal claims and liens not otherwise discharged by the sale under existing law

Upon a purchase by a municipality for the sheriff's costs any income received from the property by the municipality in excess of that necessary for the upkeep of said property and the payment of insurance premiums thereon and the cost of improvements thereto shall be applied to the payment of the costs of sale then to payment of all taxes liened and unliened in the order of their priority the oldest being paid first and then to municipal claims in the same order

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,

Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann.
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe.	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch.	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1787, as follows:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil action at Law and in Equity in certain courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on Judges and other officers of every Court of Record

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the effecive date of this act the Supreme Court of Pennsylvania shall have the power to prescribe by general rule the forms of actions process writs pleadings and motions and the practice and procedure in civil actions at Law and in Equity for the Courts of Common Pleas of every county for the County Court of Allegheny County and for such other Courts having jurisdiction in civil actions as the General Assembly shall hereafter establish provided that such rules shall be consistent with the Constitution of this Commonwealth and shall neither abridge enlarge nor modify the substantive rights of any litigant nor the jurisdiction of any of the said courts nor affect any statute of limitations The provisions of this section shall not apply to the Courts of Oyer and Terminer Courts of Quarter Sessions and the Orphans Courts of this Commonwealth and the practice and procedure in said courts shall remain and continue as prescribed by existing law At the time of the adoption promulgation and publication of its general rules the Supreme Court shall fix the effective date thereof which shall not be less than six months from the date of the adoption thereof As soon as promulgated a copy of all rules shall be sent to the Prothonotaries or clerks of all courts which may be affected thereby and shall be published by such Prothonotaries or clerks in the same manner as local rules adopted by such courts

From and after the effective date all prior and existing acts or parts of acts relating to practice and procedure in such courts and inconsistent with the general rules of the Supreme Court hereinabove provided for shall be deemed to have been repealed by this act and shall thereafter be of no further force and effect

Section 2 Each of the Courts of Common Pleas the County Court of Allegheny County the and other courts established by the General Assembly may adopt additional local rules for the conduct of its business which shall not be inconsistent with or in conflict with said general rules prescribed by the Supreme Court of Pennsylvania

Section 3 The Supreme Court of Pennsylvania is hereby authorized and empowered to appoint a Procedural Rules Committee the members of which shall have been admitted to practice before the Supreme Court of Pennsylvania which shall assist the Supreme Court of Pennsylvania in preparation revision promulgation publication and administration of the said general rules

Section 4 It shall be the duty of the Judges clerks prothonotaries and other officers of the several Courts of Record in this Commonwealth to furnish to the Supreme Court of Pennsylvania or to the said Procedural Rules Committee such statistics and information as may be reasonably requested concerning the administration of justice in civil actions in said courts In the event of the failure of any Judge clerk prothonotary or other officer of said courts to comply with the requirements of this section the Supreme Court of Pennsylvania may after hearing impose the penalties hereinafter provided

Section 5 For the purpose of expediting any business of the Courts of Record in this Commonwealth whether civil or criminal which is not otherwise specifically regulated by any of the general rules hereinabove provided for and for the purpose of facilitating a speedy and proper administration of justice the Supreme Court of Pennsylvania shall have the power to prescribe additional general rules for the conduct of such business of any Court of Record within this Commonwealth

Section 6 All acts or parts of acts inconsistent with this act are hereby repealed

Section 7 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 8 This act shall become effective immediately upon its final enactment

RECONSIDERATION OF VOTE

Mr. REUBEN E. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. SCHOR. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Cohen, vote on the third reading of this bill?

Mr. REUBEN E. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Schor, vote on the third reading of ths bill?

Mr. SCHOR. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. REUBEN E. COHEN. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows

Amend section 1, by striking out on page 3, lines 8, 9, 10, 11, 12 and 13, and inserting in lieu thereof the fol-

lowing: "From and after the effective date of any rule promulgated under this section 1, and so long as said rule shall be operative, the operation of any Act of Assembly relating to practice or procedure in such courts and inconsistent with such rule, shall be suspended insofar as such act may be inconsistent with such rule."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1342, entitled:

An Act to amend the title of and section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by extending the purposes and powers therein granted to the Authorities and extending the time therein provided for the creation of the Authority and the time within which projects shall be begun

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SHEPARD. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2233, (Senate Bill No. 788), as follows:

An Act to further amend section two hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing for a minimum fee for the valuation of life policies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" as amended by the act approved the seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws one hundred sixty-one), is hereby further amended to read as follows

Section 211 Fees The Insurance Commissioner shall charge and collect fees as follows For valuation of life policies not exceeding one cent for each thousand dollars of insurance valued but in no case shall the minimum fee be less than ten dollars ($10) for filing copy of charter twenty-five dollars for the filing annual of other statement twenty dollars for license to company association or exchange or certified copy or duplicate thereof two dollars for license as excess insurance broker one hundred dollars for license as insurance broker ten dollars for individual and twenty-five dollars for each license in the name of a copartnership or corporation including individual licenses for any duly qualified individuals without extra charge for officers or solicitors not exceeding three for agents' license for each domestic company association and exchange fifty cents for agents license for each foreign company association and exchange two dollars for each copy of any paper filed in the department twenty cents per folio and one dollar for certifying the same for any other certificate required two dollars for making examinations the expense of the expense of the examinations All fees collected shall be daily covered into the State Treasury

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Alexander,	Flinchbaugh,	McKinney,	Simon,
Achterman,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,

Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1173, as follows:

An Act to insure and protect fair trade practices in distribution defining such practices prohibiting the advertisement offer for sale or sale of merchandise at less than cost and fixing a penalty for such advertisement offer for sale or sale and investing the courts with jurisdiction to prevent and restrain violations of the act

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Definitions The words and phrases used herein shall unless the context otherwise indicates have the following meanings

(a) "Cost to the retailer" shall mean (1) the total consideration paid by the retailer for the merchandise delivered at the retail outlet or the total consideration necessary for the replacement of the merchandise to the retailer at the retail outlet such consideration to be determined by applying to said merchandise the same cost per unit as the last quantity purchased by the retailer prior to the sale of said merchandise would have cost per unit if bought at the most favorable market price available to the retailer at any time within thirty (30) days prior to said sale whichever is lower less any customary trade discounts but exclusive of discounts for cash

(b) "Cost to the wholesaler" shall mean (1) the total consideration paid by the wholesaler for merchandise delivered at the wholesale outlet or the total consideration necessary for the replacement of the merchandise to the wholesaler at the wholesale outlet such consideration to be determined by applying to said merchandise the same cost per unit as the last quantity purchased by the wholesaler prior to the sale of said merchandise would have cost per unit if bought at the most favorable market price available to the wholesaler at any time within sixty (60) days prior to said sale which ever is lower less any customary trade discounts for cash

(c) "Cost to the retailer" and "cost to the wholesaler" must be bona fide costs and sales to consumers retailers and wholesalers at prices which cannot be justified by existing market conditions within this State shall not be used as basis for computing costs with respect to sales by retailers and wholesalers

(d) "Sell at retail" and "sales at retail" shall mean any transfer of title to tangible personal property for a valuable consideration where such property is to be used by the purchaser for purposes other than re-sale manufacture or further processing The above terms shall also include any such transfer of property where title is retained by the seller as security for the payment of the purchase price

(e) "Sell at wholesale" and "sales at wholesale" shall mean any transfer of title to tangible personal property for a valuable consideration where such property is to be used by the purchaser for purposes of re-sale manufacture or further processing The above terms shall also include any such transfer of property where title is retained by the seller as security for the payment of the purchase price

(f) "Retailer" shall include every person firm corporation or association engaged in the business of making sales at retail within this State Provided That in the case of a person firm corporation or association engaged in the business of making both sales at retail and at wholesale such term shall be applied only to the retail portion of such business

(g) "Wholesaler" shall mean and include every person firm corporation or association engaged in the business of making sales at wholesale within this State Provided That in the case of a person firm corporation or association engaged in the business of making both sales at wholesale and at retail such term shall be applied only to the wholesale portion of such business

Section 2 It is hereby declared that the advertisement offer for sale or sale of any merchandise at less than cost by retailers or wholesalers is prohibited

Section 3 Any retailer who shall advertise offer to sell or sell at retail any merchandise at less than cost to the retailer as defined in this act or any wholesaler who shall advertise offer to sell or sell at wholesale any merchandise at less than cost to the wholesaler as defined in this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500) Proof of any such advertisement offer to sell or sale by any retailer or wholesaler shall be prima facie evidence of a violation of this act

Section 4 In addition to the penalties provided in this act the Courts of Common Pleas of this Commonwealth are hereby invested with jurisdiction to prevent and restrain violations of this act and it shall be the duty of the several District Attorneys in their respective districts to institute proceedings in equity to prevent and restrain violations Any person shall be entitled to sue for and have injunctive relief in any Court of Common Pleas of this Commonwealth against threatened loss or damage by reason of a violation of this act

Section 5 The provisions of this act shall not apply to sales at retail or sales at wholesale (a) where merchandise is sold in bona fide clearance sales and is advertised marked and sold as such (b) where perishable merchandise must be promptly sold in order to forestall loss (c) where merchandise is imperfect or damaged or is being discontinued and is advertised marked and sold as such (d) where merchandise is sold upon the final liquidation of any business (e) where merchandise is sold for charitable purposes (f) where the price of merchandise is made to meet the legal price of a competitor for merchandise of the same grade quality and quantity and (g) where merchandise is sold by any officer acting under the direction of any court

Section 6 This act may be known and cited as the "Fair Sales Act"

Section 7 If any section sentence or clause of this act shall for any reason be held invalid or unconstitutional such decision shall not affect the validity of the remaining parts hereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—151

Achterman,	Elpern,	McArdle,	Schor,
Alexander,	Falkenstein,	McCullough,	Schrope,
Allen,	Finnerty,	McDermott,	Schumacher,
Allmond,	Fitch,	McElroy,	Shaw,
Arnold,	Flanagan,	McFall,	Shea,
Aukerman,	Flannery,	McGee,	Shepard,
Baine,	Flinchbaugh,	McShane,	Shoemaker,
Baker, J. J.,	Ganser,	Melchiorre,	Shugarts,
Balthaser,	Gerard,	Mellott,	Sieger,
Bierly,	Gorski,	Mihm,	Simon,
Blank,	Haberlen,	Moomaw,	Skale,
Bohn,	Hagerty,	Mooney,	Smith, James A.,
Boles,	Hamilton, F. P.,	Moran,	Smith, John A.,
Boltz,	Harkins,	Moul,	Spengler,
Bradley,	Harmuth,	Munley,	Stank,
Brancato,	Hering,	Murrin,	Thomas,
Brigerman,	Hess,	O'Brien,	Thompson,
Broad,	Hetrick,	O'Connor,	Toole,
Brown,	Hindman,	O'Keefe,	Tronzo,
Brownfield,	Hirsch,	Ominsky,	Tumelty,
Burrows,	Holland,	O'Neill,	Vallbus,
Caesar,	Holmes,	Ostroff,	VanSickle,
Caputo,	Holstrom,	Patterson, C. S.,	Vogt,
Chervenak,	Hontz,	Patterson, J. W.,	Wagner,
Coakley,	Horting,	Pearson,	Walsh,
Cohen, H. B.,	Jirolanio,	Pershing,	Weiss, D. H.,
Cohen, R. E.,	Keenan,	Piole,	Weiss, S. A.,
Coleman,	Kelso,	Powers,	Welliver,
Coolahan,	Kilroy,	Preston,	Welsh,
Corrigan,	Kroll,	Readinger,	Westrick,
Costanzo,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Ruffennach,	Yourishin,
Downey,	Lovett,	Rush,	Zappala,
Dubbs,	Marino,	Sarraf,	Furman,
Dyson,	Matthews, H. T.,	Scanlon,	

NAYS—55

Atkins,	Kane,	Royer,	Trout,
Baker, F. T.,	Kline,	Schrock,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Simpson,	Wall,
Cadwalader,	Lyons,	Sloan,	Wampole,
Eckels,	Matthews, J. F.,	Snyder,	Watkins,
Fiss,	McDevitt,	Sollenberger,	Webster,
Gillette,	McKinney,	Sproul,	Weidemann,
Habbyshaw,	Merrell,	Stackpole,	Wilson,
Hall,	Muir,	Stewart,	Winner,
Hamilton, R. S.,	Nagel,	Stockham,	Wood,
Hays,	Peale,	Strode,	Woodside,
Huntley,	Perry,	Terry,	Yeakel,
Imbrie,	Rothenberger,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. ACHTERMAN in the Chair.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2204, (Senate Bill No. 811), as follows:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change under certain conditions the locations of the sewers and sewer system by amending ordinances and providing that abutting property owners shall be liable in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any borough heretofore has by ordinance authorized the construction of sewers or a sewer system along certain designated streets alleys lanes roads or avenues and in along or over private property in said borough in accordance with certain designated plans and specifications as described in said ordinance and has provided that certain of the costs and expenses of the construction of said sewers and sewer system shall be assessed against the abutting property owners and has further entered into contracts for the construction of such sewers or sewer system and after the work has been commenced it appears desirable to make changes in the location of the sewers by placing said sewers or some of them on streets alleys lanes roads avenues or private any such ordinance or in such plans and specifications or property in any such borough other than as designated in as called for in any contract or contracts heretofore executed by the said borough any such borough upon obtaining the assent of the contractor or contractors to whom or which the contract or contracts for the construction of said sewers or sewer system have been awarded and his its or their sureties bondsmen bonding companies and insurance companies and the assent of the Sanitary Water Board of the Commonwealth of Pennylvania may by an amending ordinance or ordinances change the location of the sewers and sewer system by eliminating certain of said sewer lines or by adding additional sewer lines or both and the property owners abutting upon the streets alleys lanes roads and avenues in upon or over which the sewers and sewer system are located by the original ordinance as thus amended shall be subject to assessment for the costs and expenses of such sewers and sewer system in the manner and to the extent as provided in any such original ordinance Provided That the cost of the construction of the sewers or sewer system to the borough or to the abutting property owners shall not be increased above the amount or amounts specified in the existing contract or contracts therefor

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word: "boroughs" the following: "and townships of the first class"

Amend sec. 1, page 1, line 4, by inserting after the word: "borough" the following: "or township of the first class"

Amend sec. 1, page 1, line 8, by inserting before the word: "in" the following: "or township of the first class"

Amend sec. 1, page 2, line 10, by inserting after the word: "borough" the following: "or township"

Amend sec. 1, page 2, line 13, by inserting after the word: "borough" where it apears the first time in said line, the following: "or township"

Amend sec. 1, page 2, line 13, by inserting after the word: "borough" where it appears the second time in said line, the following: "or township"

Amend sec. 1, page 3, line 1, by inserting after the word: "borough" the following: "or township"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2218, (Senate Bill No. 672), as follows:

An Act to amend sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" defining employers and employes providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers further regulating registers of employment agencies and prescribing penalties.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" are hereby amended to read as follows

Section 1 Definitions Be it enacted etc That the following terms shall unless the context otherwise indicates have the following respective meaning

(a) The term "employment agent" shall mean every person copartnership association or corporation engaged in the business of or maintaining an agency for assisting employers to secure employes and persons to secure employment of whatever nature or of collecting and furnishing information regarding employers seeking employes and persons seeking employment

(b) The term "secretary" shall mean the Secretary of Labor and Industry of the Department of Labor and Industry of this Commonwealth or his duly authorized deputy or representative

(c) The term "department" shall mean the Department of Labor and Industry of this Commonwealth

(d) The term "fee" means and includes any money or other consideration paid or promised to be paid for services rendered or to be rendered by any employment agent as above defined Such term includes any excess of money received by any such person over what has been paid out by him for the transportation transfer of baggage or board and lodging for any applicant for employment

(e) The term "persons" shall include persons associations copartnerships and corporations

(f) The term "employer" as used in this act means any person employing or seeking to employ any person for hire

(g) The term "employe" as used in this act means any person performing or seeking to perform work or service of any kind or character whatsoever for hire

Section 2 The term "employment agent" as used in this act shall not apply to

(a) Departments associations or bureaus which are maintained solely for persons in this Commonwealth for the purpose of obtaining employes for themselves or their members and which charge no fee to applicants for employment

(b) Theatrical [managers representatives or agents engaging talent for use in their own performances] or entertainment producers and managers assembling managing and directing their own performances at their own expense and who charge no commissions or fees directly or indirectly

(c) Bureaus or agencies procuring employment for school teachers without charge

(d) Bureaus or agencies procuring employment for registered nurses without charge

(e) Employment bureaus maintained by this Commonwealth

(f) Employment bureaus maintained by the United States of America within this Commonwealth

(g) Employment bureaus or agencies maintained by any association of manufacturers within the Commonwealth for the purpose of obtaining employes for their members and which charge no fee to applicants for employment Provided however That persons excluded from licensure under this section shall register with the department as hereinafter provided

Section 12 Every employment agent shall keep a register or registers approved by the secretary in which shall be entered in the English language the date of any application for employment the name and address of the applicant the amount of the fee received and whenever possible the names and addresses of former employers or persons to whom such applicant is known and the final disposition of the applicant's case and in case of applicants under twenty-one years of age for employment the age of the applicants and the names and addresses of parents or guardians a similar record of all applications of persons seeking employes the date of such application the kind of help required the names of the persons sent the record of the ones so sent if any who were employed as a result thereof the amount of the fee received and the rate of wages agreed upon No person shall make any false entry in such register

It shall be the duty of the employment agent whenever possible to communicate orally or in writing with at least one of the persons mentioned as reference by any applicant for work in private families or to be employed in a fiduciary capacity and the result of such investigation shall be kept on file in such agency Provided That if the applicant for help voluntarily waives in writing such investigation of references the employment agent shall not be required so to do

Section 24 Any person who violates any of the provisions of paragraphs (e) (f) (g) or (h) of section [twenty-three] twenty-two of this act shall be guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be sentenced to pay a fine of not less than one hundred dollars ($100) or more than one thousand dollars ($1,000) and costs of prosecution or undergo imprisonment in the county jail for a period of not more than one year or both at the discretion of the court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,

Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Eipern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2174, (Senate Bill No. 652), as follows:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 The provisions of this act insofar as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments and shall not affect the validity of any registrations made prior to the enactment hereof except as herein provided

Section 3 Definitions

(a) The word "Commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission.

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidates and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidates or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the third class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(n) "City" shall mean only a city of the third class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district with which such city is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day

upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 4 Registration Commission Membership Actions by Vote of Majority of Members Record of Proceedings

(a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

(d) The commissioners shall receive no compensation in addition to their compensation as county commissioners

Section 5 Powers of Commission Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the Court of Common Pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission or commissioner shall be first duly sworn or affirmed

Section 6 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may appoint employes of the county to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars or clerks who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmation and (2) inspectors of registration who shall have any may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk at a compensation not exceeding three thousand dollars ($3000) per annum who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building in lodging-house or hotel with such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house in or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 7 Counsel The county solicitor shall be counsel for the commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a Court of Common Pleas as herein provided

Section 8 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account book stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 9 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall like-

wise be responsible for the correction of any errors in the doing thereof

Section 10 Commissioners and Chief Clerk May Act as Registrars and Inspectors A commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 11 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 12 Acts to Be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 13 Records and Documents to Be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 14 Watchers at Places of Registration Privileges (a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors of the city to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided however That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or political body or citizens' organization represented shall be allowed in a place of registration at any one time

Section 15 Watchers or Attorneys at Sessions of Commission Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 16 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 17 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the effective date of this act each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sunday holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration

(b) Not later than thirty days prior to each primary and election the commission shall cause at least two registrars to sit for at least two separate days at a suitable and centrally located place in each city other than the office of the commission for the purpose of receiving personal applications for registrations applications for change of party enrollment and removal notices from the electors of such city Such registrars shall sit on said days continuously between the hours of 10 a. m. and 3 p. m. and between the hours of 7 p. m. and 10 p. m. Immediately upon the action of the commission which shall be taken in due time to the number of days of such registration and as to the number of registrars to be appointed for such purpose the commission shall notify in writing the county chairman of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of such action and of the number of registrars the commission will appoint to serve in said cities Not later than the third day after receipt of said notice said chairman shall submit to the commission a list of qualified electors of the county to serve as registrars for said days Of the registrars appointed by the commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairman shall fail to submit such list within the time herein provided the commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the county or shall appoint as all of such registrars any qualified electors of the county as the case may be

(c) The county Board of Elections shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the registration commission for use as a place of registration in accordance with the provisions of this act Provided however That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper city authorities shall furnish suitable space in the city hall or other municipal building under

their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided however That such use shall not interfere with the use for which room or space is primarily designed

(f) The commisson shall publicly announce the address of each place of registration other than the office of the commission and the lays and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said city at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the city at least three days prior to the date when the place shall be so open and by such other newspaper publication as it deems desirable

Section 18 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I hace read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this .....day of ..... 19.....

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be re-issued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the registrar commissioner or clerk in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the ward and election district in which the elector resides and to which the may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector his ward and district the fact of registration of party enrollment and the date thereof The commission upon request made at its

office shall deliver such a written or printed statement to any person who is registered under the provisions of the existing registration law

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any city of the third class wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person as registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street and number of his residence in the city

(h) For the purpose of carrying into effect the provisions of subsections (c) (13) and (14) of this section insofar as they relate to persons heretofore registered under the provisions of the act entitled "An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" approved the first day of July 1935 Pamphlet Laws 478 the commission shall deliver to the election board of the proper county in order that the same may be delivered to the election officers for use at the fall primary and the municipal election to be held in the year one thousand nine hundred and thirty-seven a sufficient number of affidavits for se at each polling place setting forth that the elector is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels also a sufficient number of affidavits setting forth that the elector has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and space for a statement of the exact nature of such disability

Any elector heretofore registered under the provisions of said act and affected by the provisions of subsection (c) (13) or (14) of this section shall subscribe to one of said affidavits by his signature or mark and all of said affidavits thus executed shall be returned by the election officers to the commission after the fall primary and municipal election of 1937 and the commission shall attach each of said affidavits in a permanent manner to the registration card of said voter in the district register and shall make a notation of said information on the registration card contained in the general register Any voter thus affected may also execute one of said affidavits by appearing personally at the office of the commission and the commission shall have on hand a sufficient number of said affidavits for this purpose Any affidavit thus executed shall also be attached to the registration card of said elector contained in the district register and a notation of said information made on the registration card contained in the general register

Section 20 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided No person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a Court of Common Pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 21 Applicants to Register May Be Challenged Procedure Challenge Affidavit

(a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city street and number of said last employer's place of business (13) sex of the applicant (14) his color (15) the date of his birth and (16) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be

deemed to be guilty of any violation or attempt violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father or mother was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization took place and that she is unable to product his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar commissioner or clerk who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of a court of record of the county

Section 26 District Registers The original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 27 Removal Notices

(a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 28 Transfer of Registration

(a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration card of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence In any cases the commission shall advise the elector in writing of its action

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar in any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall

affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation

(a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the first days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last general or municipal election at which he voted he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physicial disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registration card together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

Section 30 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such city and prove his identity and the commission thereupon shall correct its records accordingly

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty of this act and shall proceed thereupon in accordance with the provision of that section

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in sub-sections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 32 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of such city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the elec-

tion district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such information to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 33 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officers of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Corrected Street Lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section 33 (c) herein Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 35 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission shall forthwith cancel registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 36 Delivery of District Registers to Election Officers

(a) Not later than noon of the third day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver election material Provided however That the registration commission shall not deliver the registration card for use at the polls on election day of any person who removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are so delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards can not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery

Section 37 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections provided that if the signature on the voters certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce

the evidence as provided in subsection (e) of this section

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or of having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the Court of Common Pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county election board shall cause to be printed for each election district in the city a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....
I hereby certify that I am qualified to vote at this (primary) (election)
Signature .....
Address .....
..... Pennsylvania
Approved .....
Number of stub of ballot issued (or number of admission to voting machines) .....
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary the votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward and date of the primary or election The voter's certificate so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district register shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initial in the proper space on the registration card of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

Section 38 Examination of district registers Report of Indications of Fraud to District Attorney

(a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in sections 30 and 31 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates

by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 39 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Re-instatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each elector who has been registered for a period of at least two years and who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for re-instatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for re-instateemnt of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 40 Cancellation Removal and Preservation of Registration Cards Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 41 Correction by Commission of Errors in Cancellation of Registrations Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the re-instatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall re-instate the registration of such elector

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees

(a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of such city whose rights are impaired by any general order made by the commission not including refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper Court of Common Pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the Prothonotary in the usual manner provided however that in all cases where the appeal is sustained by the court the costs advanced by the appellant shall be ordered refunded

Section 43 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obligated to answer any appeal and shall not be obligated by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 44 Subpoenas and Witness Fees

(a) Any Person filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in courts if necessary to enforce any subpoena issued by such commission are to be provided for

(c) All subponeas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a Court of Common Pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fee for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments provided however that in all cases where the petition of the elector is sustained all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioning

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 45 Crimes and Penalties

(a) Any person who wilfully disobeys a lawful order of the commission or of his commissioners or refuses to obey its or his subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher inspector of regisration court or commission by virtue of this act shall be prejury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered either in the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the Court of Common Pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court as aforesaid) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector of registration or other officers assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully delay neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interfers with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and undergo an imprisonment of not less than three (3) months nor more than two (2) years

(l) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by coercion threats of bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy and card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

Section 46 Effective Date Partial Invalidity Legislative Intent

(a) Except as otherwise provided therein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts therefor the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 47 Repeal of Prior Laws Proviso

(a) The act approved the first day of July one thou-

sand nine hundred and thirty-five (P. L. 478) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" is hereby repealed

(b) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

(d) The provisions of this act shall not affect any act done or any suit or prosecutions pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, this bill is another one of the personal registration bills for elections. It applies to third class cities. Why is it necessary? It seems to me it is only about two years ago that we had a permanent registration bill for third class cities. Why should it be necessary to have another one at this session? It seems to be beyond my comprehension.

However, I understand that this bill follows very closely the other permanent registration bills that have been introduced. There are a number of minor defects in this bill and things that should be corrected.

I submitted the bill to the solicitor of one of the third class cities who has had long years of experience, and his comment upon this bill is this: "Too much regimentation, too much for the voter to do. A voter should be inconvenienced as little as possible, otherwise he will not register or vote." I think that the House should take cognizance of these permanent registration bills that are putting endless work upon the voter. I think almost every member of this House has done practical political work, he knows the difficulty of getting out the vote. We have tried for a number of years to raise the percentage of those who vote at the elections, but these bills instead of helping will undoubtedly restrict the number of voters who turn out and will be detrimental in accomplishing the very thing which I think some of the proponents hope to accomplish. Therefore I think that this bill should be defeated.

Mr. HERBERT B. COHEN. Mr. Speaker, what the gentleman indicates is quite correct insofar as the fact that in the last session we did pass the third class city registration bill. However, this bill makes uniform registration involving all of the boroughs, townships and third class cities in the State of Pennsylvania. It contains a saving clause which says the third class city registration of all those which have already been registered, and will expedite the work of the third class city registrars and county commissioners by setting specific dates for all municipalities. I ask the House to vote favorably on the measure.

Mr. YOURISHIN. Mr. Speaker, this bill also provides a correction that was not in the last registration bill which compels the county commissioners to have clerks sit in third class cities that have permanent registration. Not only that, but also it provides that the county commissioners or their clerks cannot take registrations off the list. In Luzerne County just a year ago some two thousand people from Hazleton, twenty-two miles came to be registered, and after being registered when they came to vote they found that their names were not on the registry book, nobody was to blame, nobody was responsible, and the registered voters had nothing to show that they were registered outside of their word that they were at the county court house.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—166

Achterman,	Dubbs,	Lopresti,	Rush,
Alexander,	Dyson,	Lovett,	Sarraf,
Allen,	Eckels,	Marino,	Scanlon,
Allmond,	Elpern,	Matthews, H. T.,	Schor,
Arnold,	Falkenstein,	Matthews, J. F.,	Schrope,
Atkins,	Finnerty,	McArdle,	Shaw,
Aukerman,	Fiss,	McCullough,	Shea,
Baine	Fitch	McDermott,	Shepard,
Baker, F. T.,	Flanagan,	McElroy,	Shoemaker,
Baker, J. J.,	Flannery,	McGee,	Shugarts,
Balthaser	Flinchbaugh,	McShane,	Simon,
Bierly,	Ganser,	Melchiorre,	Skale,
Blank,	Gerard,	Mellott,	Smith, James A.,
Bohn,	Gillette,	Mihm,	Smith, John A.,
Boles,	Gorski,	Moomaw,	Spengler,
Boltz,	Haberlen,	Mooney,	Stackpole,
Boose,	Hagerty,	Moran,	Stank,
Bradley,	Hamilton, F. P.,	Moul,	Stewart,
Brancato,	Harkins,	Munley,	Thomas,
Brigerman,	Harmuth,	Murrin,	Thompson,
Broad,	Hays,	Nagel,	Toole,
Brown,	Hering,	O'Brien,	Tronzo,
Brownfield,	Hess,	O'Connor,	Tumelty,
Burrows,	Hetrick,	O'Keefe,	Valibus,
Cadwalader,	Hindman,	Ominsky,	VanSickle,
Caesar,	Hirsch,	O'Neill,	Vogt,
Caputo,	Holland,	Ostroff,	Wagner,
Chervenak,	Holmes,	Patterson, C. S.,	Walsh,
Coakley,	Holstrom,	Patterson, J. W.,	Weiss, D. H.,
Cohen, H. B.,	Hontz,	Pearson,	Weiss, S. A.,
Cohen, R. E.,	Horting,	Pershing,	Welliver,
Coleman,	Huntley,	Piole,	Welsh,
Coolahan,	Imbrie,	Powers,	Westrick,
Corrigan,	Jirolanio,	Preston,	Whalen,
Costanzo,	Keenan,	Readinger,	Whitenight,
Davies,	Kelso,	Reese,	Wright,
DeNote,	Kilroy,	Reising,	Yanoshat,
Dickinson,	Kroll,	Richter,	Yourishin,
Donohoe,	Levy,	Robinson,	Zappala,
Dougherty,	Lewis,	Rothenberger,	Furman,
Downey,	Long,	Ruffennach,	

NAYS—40

Boyer,	McKinney,	Simpson,	Wall,
Habbyshaw,	Merrell	Sloan,	Wampole,
Hall,	Muir,	Snyder,	Watkins,
Hamilton, R. S.,	Peale,	Sollenberger,	Webster,
Kane,	Perry,	Sproul,	Weidemann,
Kline,	Royer,	Stockham,	Wilson,
LaRue,	Schrock,	Strode,	Winner,
Leisey,	Schumacher,	Trout,	Wood,
Longaker,	Serrill,	Turner,	Woodside,
Lyons,	Siegel,	VanAllsburg,	Yeakel,

The majority required by the Consitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1835, entitled:

An Act to authorize the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation authorizing the issuance of revenue refunding bonds and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Beaver, Mr. Caputo permit himself to be interrogated?

Mr. CAPUTO. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Beaver whether there is any necessity for the passage of this bill in view of the fact that the House passed the Moran bill, No. 250, which covers the same subject?

Mr. CAPUTO. Mr. Speaker, I believe that this bill, without casting reflections upon the bill introduced by Mr. Moran,—this bill is a much better bill and much simpler in the way of operation for the boroughs, and I believe it is a bill that will meet the requirements of the boroughs in much better shape than the Moran bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153

Achterman,	Elpern,	Matthews, H. T.,	Rush,
Alexander,	Falkenstein,	McArdle,	Sarraf,
Allen,	Finnerty,	McCullough,	Scanlon,
Allmond,	Fitch,	McDermott,	Schor,
Arnold,	Flanagan,	McElroy,	Schrope,
Aukerman,	Flannery,	McFall,	Shaw,
Baine	Flinchbaugh,	McGee,	Shea,
Baker, J. J.	Ganser,	McShane,	Shepard,
Balthaser,	Gerard,	Melchiorre,	Shoemaker,
Bierly,	Gorski,	Mellott,	Shugarts,
Blank,	Haberlen,	Mihm,	Siegel,
Bohn,	Hagerty,	Moomaw,	Simon,
Boles,	Hamilton, F. P.,	Mooney,	Skale,
Boltz,	Harkins,	Moran,	Smith, James A.,
Bradley,	Harmuth,	Moul,	Smith, John A.,
Brancato,	Hays,	Munley,	Spengler,
Brigerman,	Hering,	Murrin,	Stank,
Broad,	Hess,	Nagel,	Thomas,
Brown,	Hetrick,	O'Brien,	Thompson,
Brownfield,	Hindman,	O'Connor,	Toole,
Burrows,	Hirsch,	O'Keefe,	Tronzo,
Caesar,	Holland,	Ominsky,	Tumelty,
Caputo,	Holmes,	O'Neill,	Valibus,
Chervenak,	Holstrom,	Ostroff,	VanSickle,
Coakley,	Hontz,	Patterson, C. S.,	Vogt,
Cohen, H. B.,	Horting,	Patterson, J. W.,	Wagner,
Cohen, R. E.,	Jirolanio,	Pearson,	Walsh,
Coleman,	Keenan,	Pershing,	Weiss, D. H.,
Coolahan,	Kelso,	Piole,	Weiss, S. A.,
Corrigan,	Kilroy,	Powers,	Welliver,
Costanzo,	Kroll,	Preston,	Welsh,
DeNote,	LaRue,	Readinger,	Westrick,
Dickinson,	Levy,	Reese,	Whalen,
Donohoe,	Lewis,	Reising,	Whitenight,
Dougherty,	Long,	Richter,	Wright,
Downey,	Lopresti,	Robinson,	Yanoshat,
Dubbs,	Lovett,	Rothenberger	Zappala,
Dyson,	Marino,	Ruffennach,	Furman,

NAYS—53

Atkins,	Kane,	Schrock,	Turner,
Baker, F. T.,	Kline,	Serrill,	VanAllsburg,
Boose,	Leisey,	Simpson,	Wall,
Boyer,	Longaker,	Sloan,	Wampole,
Cadwalader,	Lyons,	Snyder,	Watkins,
Davies,	Matthews, J. F.,	Sollenberger,	Webster,
Eckels,	McDevitt,	Sproul,	Weidemann,
Fiss,	McKinney,	Stackpole,	Wilson,
Gillette,	Merrell,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	Yourishin,
Imbrie,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 721, entitled:

An Act to further amend section two hundred and ninety-five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of the clerk to the jury commissioners in counties of the third class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Falkenstein,	Matthews, H. T.,	Scanlon,
Alexander,	Finnerty,	Matthews, J. F.,	Schor,
Allen,	Fitch,	McArdle,	Schrope,
Allmond,	Flanagan,	McCullough,	Serrill,
Arnold,	Flannery,	McDermott,	Shaw,
Atkins,	Flinchbaugh,	McDevitt,	Shea,
Aukerman,	Ganser,	McElroy,	Shepard,
Baine,	Gerard,	McFall,	Shoemaker,
Baker, F. T.,	Gorski,	McGee,	Shugarts,
Baker, J. J.,	Haberlen,	McShane,	Siegel,
Balthaser,	Hagerty,	Melchiorre,	Simon,
Bierly,	Hall,	Mellott,	Simpson,
Blank,	Hamilton, F. P.,	Mihm,	Skale,
Bohn,	Hamilton, R. S.,	Moomaw,	Sloan,
Boles,	Harkins,	Mooney,	Smith, James A.,
Boltz,	Harmuth,	Moran,	Smith, John A.,
Boose,	Hays,	Moul,	Snyder,
Boyer,	Hering,	Munley,	Sollenberger,
Bradley,	Hess,	Murrin,	Spengler,
Brancato,	Hetrick,	Nagel,	Stank,
Brigerman,	Hindman,	O'Brien,	Thomas,
Broad,	Hirsch,	O'Connor,	Thompson,

Brown,	Holland,	O'Keefe,	Toole,
Brownfield,	Holmes,	Ominsky,	Tronzo,
Burrows,	Holstrom,	O'Neill,	Trout,
Cadwalader,	Hontz,	Ostroff,	Tumelty,
Caesar,	Horting,	Patterson, C. S.,	Valibus,
Caputo,	Huntley,	Patterson, J. W.,	VanAllsburg,
Chervenak,	Imbrie,	Peale,	VanSickle,
Coakley,	Jirolanio,	Pearson,	Vogt,
Cohen, H. B.,	Kane,	Perry,	Wagner,
Cohen, R. E.,	Keenan,	Pershing,	Walsh,
Coleman,	Kelso,	Piole,	Weiss, D. H.,
Coolahan,	Kilroy,	Powers,	Weiss, S. A.,
Corrigan,	Kline,	Preston,	Welliver,
Costanzo,	Kroll,	Readinger,	Welsh,
DeNote,	LaRue,	Reese,	Westrick,
Dickinson,	Leisey,	Reising,	Whalen,
Donohoe,	Levy,	Richter,	Whitenight,
Dougherty,	Lewis,	Robinson,	Wright,
Downey,	Long,	Rothenberger,	Yanoshat,
Dubbs,	Lopresti,	Royer,	Yourishin,
Dyson,	Lovett,	Ruffennach,	Zappala,
Eckels,	Lyons,	Rush,	Furman,
Elpern,	Marino,	Sarraf,	

NAYS—26

Davies,	Muir,	Strode,	Weidemann,
Fiss,	Schrock,	Turner,	Wilson,
Gillette,	Schumacher,	Wall,	Winner,
Habbyshaw,	Sproul,	Wampole,	Wood,
Longaker,	Stackpole,	Watkins,	Woodside,
McKinney,	Stewart,	Webster,	Yeakel,
Merrell,	Stockham,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1331, entitled:

An Act requiring all persons claiming damages from any county city borough town township or school district to file within six (6) months from the origin of such claim a written notice with such county city borough town township or school district.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JOHN A. SMITH. Mr. Speaker, I would like to interrogate the gentleman from Beaver, Mr. Caputo.

The SPEAKER. Will the gentleman from Beaver permit himself to be interrogated?

Mr. CAPUTO. Mr. Speaker, I will.

Mr. JOHN A. SMITH. Mr. Speaker, will the gentleman from Beaver explain the purpose of this bill?

Mr. CAPUTO. I shall be glad to do so if my voice will enable me. Under the present law the statute of limitations on all claims against any person or municipal corporation is two years for injuries sustained by reason of damages and so on. Under this law a person injured because of a defect in the sidewalk, for instance, would be required to file notice with the municipality within six months of the happening of the injury and upon failure to do so he would be prevented from filing suit thereafter unless he could show the court that he was prevented from doing so within the six months period.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153

Achterman,	Finnerty,	Matthews, H. T.,	Shoemaker,
Alexander,	Fiss,	McArdle,	Shugarts,
Allen,	Fitch,	McDermott,	Siegel,
Allmond,	Flanagan,	McDevitt,	Simon,
Arnold,	Flannery,	McFall,	Sloan,
Baine	Flinchbaugh,	McShane,	Smith, James A.,
Balthaser,	Ganser,	Melchiorre,	Smith, John A.,
Bierly,	Habbyshaw,	Mellott,	Snyder,
Blank,	Haberlen,	Mihm,	Stackpole,
Bohn,	Hagerty,	Moul,	Stank,
Boles,	Hall,	Munley,	Stewart,
Boltz,	Hamilton, F. P.,	Murrin,	Stockham,
Boose,	Hamilton, R. S.,	Nagel,	Strode,
Boyer,	Harkins,	O'Brien,	Terry,
Bradley,	Harmuth,	O'Keefe,	Thomas,
Brancato,	Hays,	Ominsky,	Thompson,
Brigerman,	Hering,	O'Neill,	Toole,
Brown,	Hess,	Ostroff,	Trout,
Brownfield,	Hetrick,	Patterson, C. S.,	Tumelty,
Burrows,	Hirsch,	Patterson, J. W.,	Valibus,
Cadwalader,	Holland,	Peale,	VanAllsburg,
Caesar,	Holmes,	Pearson,	VanSickle,
Caputo,	Holstrom,	Perry,	Vogt,
Chervenak,	Hontz,	Piole,	Wagner,
Coakley,	Horting,	Preston,	Walsh,
Cohen, H. B.,	Imbrie,	Readinger,	Weiss, D. H.,
Cohen, R. E.,	Jirolanio,	Reising,	Welliver,
Coleman,	Kane,	Richter,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Corrigan,	Kilroy,	Ruffennach,	Whalen,
Costanzo,	Kline,	Rush,	Whitenight,
Davies,	Kroll,	Sarraf,	Wilson,
DeNote,	LaRue,	Scanlon,	Woodside,
Donohoe,	Levy,	Schumacher,	Yanoshat,
Dougherty,	Lewis,	Serrill,	Yeakel,
Downey,	Long,	Shaw,	Yourishin,
Dyson,	Longaker,	Shea,	Zappala,
Eckels,	Marino,	Shepard,	Furman,
Falkenstein,			

NAYS—47

Aukerman,	Leisey,	Moran,	Sollenberger,
Baker, F. T.,	Lopresti,	Muir,	Spengler,
Baker, J. J.,	Lovett,	O'Connor,	Turner,
Broad,	Lyons,	Pershing,	Wall,
Dickinson,	Matthews, J. F.,	Powers,	Wampole,
Dubbs,	McCullough,	Reese,	Webster,
Elpern,	McElroy,	Rothenberger,	Weidemann,
Gerard,	McGee,	Royer,	Weiss, S. A.,
Gillette,	McKinney,	Schor,	Winner,
Gorski,	Merrell,	Schrock,	Wood,
Huntley,	Moomaw,	Simpson,	Wright,
Keenan,	Mooney,	Skale,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1460, entitled:

An Act relating to employers and employes prohibiting the issuance of scrip tokens drafts orders coupons or other certificates redeemable in merchandise in payment of labor performed or to be performed and providing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boies,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boose,	Hetrick,	O'Connor,	Terry,
Boyer,	Hindman,	O'Keefe,	Thomas,
Bradley,	Hirsch,	Ominsky,	Thompson,
Brancato,	Holland,	O'Neill,	Toole,
Brigerman,	Holmes,	Ostroff,	Tronzo,
Broad,	Holstrom,	Patterson, C. S.,	Trout,
Brown,	Hontz,	Patterson, J. W.,	Tumelty,
Brownfield,	Horting,	Peale,	Turner,
Burrows,	Huntley,	Pearson,	Valibus,
Cadwalader,	Imbrie,	Perry,	VanAllsburg,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Coakley,	Kelso,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Cohen, R. E.,	Kline,	Reese,	Watkins,
Coleman,	Kroll,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1334, entitled:

An Act providing for the recovery of damages by persons bitten by dogs and creating a liability of the owners of such dogs.

MOTION TO RECOMMIT

Mr. GORSKI. Mr. Speaker, I move that this bill be recommitted to the Committee on Judicial General for the purpose of further study and possible amendments.

On the question,

Will the House agree to the motion?

Mr. KANE. Mr. Speaker, I would like to interregate the gentlemen from Erie, Mr. Gorski.

The SPEAKER. Will the gentleman from Erie permit himself to be interrogated?

Mr. GORSKI. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I merely wanted to inquire from the gentleman whether he was recommitting this bill back to the committee at the request of the sponsor or contrary to his wishes.

Mr. GORSKI. Mr. Speaker, I made this motion of my own volition.

Mr. CAPUTO. Mr. Speaker, I asked the members of the House to vote "no" on this motion.

Mr. KANE. Mr. Speaker and members of the House, this bill was discussed in the Judiciary General Committee. The only occasion for sending it back to the committee would be to kill the bill. Therefor if you are for this bill, you will vote against this motion.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the "nay" appear to have it,

Whereupon a division was called for, fifty-four members having voted in the affirmative and fifty-nine in the negative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Beaver, Mr. Caputo, permit himself to be interrogated?

Mr. CAPUTO. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the sponsor to explain the bill.

Mr. CAPUTO. Mr. Speaker, for generations, as a matter of fact, as far back as we can remember, dogs have been a privileged group.

They have been entitled to one free bite. Now, under the new deal we have been attacking all the special privileges. We have attacked the utilities, we have attacked the corporations, the Grundys and the Mellons and the Pews. I feel that we have been remiss in our duty in that we have not included the dogs along with the Grundys, the Mellons and the Pews. For that reason it is a new deal measure, but it is not an administration measure. The reason for that, of course, is that the adminisration has not had sufficient orange colored backs for the purpose of backing this bill with the administration colors. That is the reason that this is not an administration bill. Otherwise it follows the lines of the new deal policies of special privilege to none.

Much as I love dogs and as much as I love horses, I still feel that the dogs should not be given the privilege of one free bite, and if they are going to bite people, particularly postmen or mailmen, they should pay for the pound of flesh they bite.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Beaver for very clearly stating the purposes of the bill. As I suspected, and as I have heard some of my Republican colleagues say, this would not entitle the dog to his one bite. The gentleman from Beaver has said that for a long time, through many ages, the dog has been entitled to one bite, but that the new deal was going to wipe that out and prevent thenceforth the dog from having that privilege of one bite without paying for it.

Now, I can understand why the gentleman from Beaver and others who think along the same lines and have the same mental processes as he, would want to introduce a bill preventing the dog from having the bite. The real

answer to that is this, that he dosen't understand dogs. The dog is man's greatest frined, and a dog is the very soul of honor and is the most intelligent animal in the world. No dog ever bites a friend, no dog ever bites any man who approaches him in the right way. Any dog who conceives that a man is approaching him as he should, who is the proper kind of citizen, who is the kind of fellow whose face he can like or the kind of fellow whose attitude and whose character and whose manners are the proper kind never need fear any dog. The dog is not to blame, it is the individual who is to blame, and the trouble is that human beings feel that they have superior intelligence. They feel that the dog is to blame for biting them. Now, the dog is not to blame; the dog is perfectly right in doing that; he is a wise dog. If these New Dealers have been bitten, don't blame it on the dogs, don't come to the Legislature and try to get the pound of flesh out of the poor dog, because he is not to blame, it is your wrong mental attitude in your approach. It is the fact that the dog knows immediately that you are not the kind of citizen that should be left a large.

He knows immediately that you are not the kind of citizen that the dog ought to permit to come upon the premises or associate with his family, and therefore he bites, and bites properly.

That is in defense, and that is not the kind of an act for which he should be punished. We do not punish for self defense, we only punish where there is an offense against the Commonwealth or against the people. I ask you to vote "no" on the bill.

Mr. CAPUTO. Mr. Speaker, I notice that the Republicans apparently think more of dogs than they do of human beings. Furthermore, the bill does not penalize dogs. In reading the bill I find that it is not the dog that pays for the pound of flesh, but the owner of the dog. Therefore, the dog is not damaged; he can still have his bite. The only thing is that the owner pays for the first bite.

Therefore, I ask the members of the House to vote for this bill.

Mr. LEWIS. Mr. Speaker, I desire to interrogate the gentleman from Beaver, Mr. Caputo.

The SPEAKER. Will the gentleman from Beaver permit himself to be interrogated?

Mr. CAPUTO. I will, Mr. Speaker.

Mr. LEWIS. Mr. Speaker, I notice that the provisions of House Bill No. 1354 provide for a recovery of damages done to persons by the bite of dogs. I would like to ask the gentleman from Beaver, Mr. Caputo, if he intends to introduce later, legislation that will provide for recovery of damages by dogs who have been bitten by certain individuals.

Mr. CAPUTO. Mr. Speaker, that will come later.

Mr. McGEE. Mr. Speaker, I would like to interrogate the gentleman from Beaver, Mr. Caputo.

The SPEAKER. Will the gentleman from Beaver permit himself to be interrogated?

Mr. CAPUTO. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. LaRue, Murrin, Shugarts, Stank, Piole, Baine, Shaw, Simon, Siegel, Pershing, Broad, Haberlen, Robinson, Aukerman, Mellott, Sarraf, Dougherty, Elpern, Moomaw and Moul.

On the question,

Shall the main question be now put?

It was agreed to.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—108

Alexander,	Flanagan,	McCullough,	Sarraf,
Allen,	Flannery,	McDermott,	Schor,
Allmond,	Flinchbaugh,	McDevitt,	Schrope,
Arnold,	Ganser,	McElroy,	Shaw,
Aukerman,	Gerard,	McFall,	Shepard,
Baine,	Hagerty,	McGee,	Shugarts,
Balthaser,	Hall,	McShane,	Skale,
Bierly,	Hamilton, F. P.,	Melchiorre,	Smith, John A.,
Blank,	Harkins,	Mellott,	Snyder,
Boltz,	Harmuth,	Moomaw,	Stackpole,
Brancato,	Hering,	Moran,	Stank,
Brigerman,	Hess,	Munley,	Thomas,
Broad,	Hindman,	Murrin,	Tronzo,
Brown,	Hirsch,	O'Keefe,	Valibus,
Brownfield,	Holland,	Ominsky,	VanSickle,
Burrows,	Holmes,	O'Neill,	Vogt,
Caesar,	Hontz,	Ostroff,	Wagner,
Caputo,	Horting,	Patterson, C. S.,	Weiss, D. H.,
Coakley,	Imbrie,	Patterson, J. W.,	Weiss, S. A.,
Cohen, H. B.,	Kane,	Perry,	Welliver,
Cohen, R. E.,	Kilroy,	Powers,	Welsh,
Coleman,	Lewis,	Readinger,	Westrick,
Corrigan,	Long,	Reese,	Whalen,
Costanzo,	Longaker,	Reising,	Whitenight,
Dougherty,	Lyons,	Richter,	Yanoshat,
Downey,	Marino,	Rothenberger,	Yourishin,
Falkenstein,	Matthews, H. T.,	Rush,	Zappala,

NAYS—88

Achterman,	Haberlen,	Nagel,	Spengler,
Baker, J. J.,	Hamilton, R. S.,	O'Brien,	Sproul,
Bohn,	Hays,	O'Connor,	Stewart,
Boles,	Hetrick,	Peale,	Stockham,
Boyer,	Huntley,	Pearson,	Strode,
Bradley,	Keenan,	Pershing,	Terry,
Cadwalader,	Kelso,	Piole,	Thompson,
Chervenak,	Kline,	Preston,	Toole,
Davies,	Kroll,	Robinson,	Tumelty,
DeNote,	LaRue,	Royer,	Turner,
Dickinson,	Leisey,	Ruffennach,	VanAllsburg,
Donohoe,	Levy,	Scanlon,	Wall,
Dubbs,	Lopresti,	Schrock,	Walsh,
Dyson,	Lovett,	Schumacher,	Wampole,
Eckels,	Matthews, J. F.,	Serrill,	Watkins,
Elpern,	McArdle,	Shea,	Webster,
Finnerty,	McKinney,	Shoemaker,	Wilson,
Fiss,	Merrell,	Siegel,	Winner,
Fitch,	Mihm,	Simon,	Wood,
Gillette,	Mooney,	Simpson,	Wright,
Gorski,	Moul,	Smith, James A.,	Yeakel,
Habbyshaw,	Muir,	Sollenberger,	Furman,

The majority by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER (Roy E. Furman) in the Chair.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2168, (Senate Bill No. 810), entitled:

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing

certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges and for the purchase and improvement or construction of public highways bridges tunnels subways and underground roads

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Fiss,	McArdle,	Schumacher,
Alexander,	Fitch,	McCullough,	Serrill,
Allen,	Flanagan,	McDermott,	Shaw,
Allmond,	Flannery,	McDevitt,	Shea,
Arnold,	Flinchbaugh,	McElroy,	Shepard,
Atkins,	Ganser,	McFall,	Shoemaker,
Aukerman,	Gerard,	McGee,	Shugarts,
Baine,	Gillette,	McKinney,	Siegel,
Baker, F. T.,	Gorski,	McShane,	Simon,
Baker, J. J.,	Haberlen,	Melchiorre,	Skale,
Balthaser,	Hagerty,	Mellott,	Sloan,
Bierly,	Hall,	Mihm,	Smith, James A.,
Blank,	Hamilton, F. P.,	Moomaw,	Smith, John A.,
Bohn,	Hamilton, R. S.,	Mooney,	Sollenberger,
Boies,	Harkins,	Moran,	Spengler,
Boltz,	Harmuth,	Moul,	Stackpole,
Boose,	Hays,	Muir,	Stank,
Boyer,	Hering,	Munley,	Strode,
Bradley,	Hess,	Murrin,	Terry,
Brancato,	Hetrick,	Nagel,	Thomas,
Brigerman,	Hindman,	O'Brien,	Thompson,
Broad,	Hirsch,	O'Connor,	Toole,
Brown,	Holland,	O'Keefe,	Tronzo,
Brownfield,	Holmes,	Ominsky,	Tumelty,
Burrows,	Holstrom,	O'Neill,	Valibus,
Cadwalader,	Hontz,	Ostroff,	VanAllsburg,
Caesar,	Horting,	Patterson, C. S.,	VanSickle,
Caputo,	Huntley,	Patterson, J. T.,	Vogt,
Chervenak,	Imbrie,	Peale,	Wagner,
Coakley,	Jirolanio,	Pearson,	Wall,
Cohen, H. B.,	Kane,	Perry,	Walsh,
Cohen, R. E.,	Keenan,	Pershing,	Wampole,
Coleman,	Kelso,	Piole,	Watkins,
Coolahan,	Kilroy,	Powers,	Webster,
Corrigan,	Kline,	Preston,	Weiss, D. H.,
Costanzo,	Kroll,	Readinger,	Weiss, S. A.,
Davies,	LaRue,	Reese,	Welliver,
DeNote,	Leisey,	Reising,	Welsh,
Dickinson,	Levy,	Richter,	Westrick,
Donohoe,	Lewis,	Robinson,	Whalen,
Dougherty,	Long,	Rothenberger,	Whitenight,
Downey,	Longaker,	Royer,	Wilson,
Dubbs,	Lopresti,	Ruffennach,	Wright,
Dyson,	Lovett,	Rush,	Yanoshat,
Eckels,	Lyons,	Sarraf,	Yeakel,
Elpern,	Marino,	Scanlon,	Yourishin,
Falkenstein,	Matthews, J. F.,	Schor,	Zappala,
Finnerty,	Matthews, H. T.,	Schrope,	Furman,

NAYS—14

Habbyshaw,	Snyder,	Trout,	Winner,
Merrell,	Sproul,	Turner,	Wood,
Schrock,	Stewart,	Weidemann,	Woodside,
Simpson,	Stockham,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1800, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of engineers having charge of stationary steam or mercury boilers engines turbines and such power hoisting and portable machinery as shall be used in all construction work not operated by electric power designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards for the purpose of amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 875, (Senate Bill No. 6), entitled:

An Act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribing the procedure in case of appeal from granting injunctions limiting the duration of temporary and permanent injunctions in case of labor disputes and providing for the payment of costs and repealing all acts or parts of acts inconsistent herewith

On the question,

Will the House agree to the bill on third reading?

Mr. YOURISHIN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 3, page 5, line 23, by striking out at the end of the line the following: "(municipal corporations the Com-)"

Amend section 3, page 5, line 24 by striking out at the beginning of the line the following: "(monwealth and all gobermental agencies created by it)"

Amend section 9, page 12, line 14 by striking out after the word "protect" and before the word "property" the word "complaint's)" and inserting in lieu thereof the word "complainant's"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2149, (Senate Bill No. 373), as follows:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into the contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" by removing the date by which projects must be commenced extending the powers therein granted providing for additional projects and removing certain restrictions against construction of projects extending the life of Authorities providing for the creation of Authodities by joint or single action of municipalities counties and townships providing for the audit of accounts of Authorities regulating contracts by Authorities regulating the number and terms of members of the governing boards of Authorities authorizing the Commonwealth and the political subdivision thereof to transfer certain contracts to the Authorities authorizing Authorities to accept and acquire certain contracts and limiting the powers of receivers appointed therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eight day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred sixty-three) entitled "An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" are hereby amended to read as follows

An Act providing for [a limited period of time for] the incorporation as bodies corporate and politic of "Authorities" for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality singly or of one or more municipalities jointly shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation thereof Thereafter the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties Said notice shall contain a brief statement of the substance of said resolution or ordinance including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other Authority organized under this act or under the act approved December twenty-seven one thousand nine hundred and thirty-three (Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen) is in existence in or for the incorporating municipality or municipalities

(d) The name of the incorporating municipality or municipalities together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said authority

All of which matter shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

Any Authority heretofore created under the laws of the Commonwealth of Pennsylvania in addition to powers granted or conferred upon said authority shall possess all the powers provided in this act

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of acquiring holding constructing improving maintaining and operating owning leasing either in the capacity of lessor or lessee buildings to be devoted wholly or partially for public uses and for revenue-producing purposes transportation marketing shopping terminals bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars [low cost housing] projects parks recreation grounds and facilities sewers sewer systems sewage treatment works water supply works swimming pools playgrounds lakes [low head] dams hospitals motor buses for public use when such motor buses are to be used within any municipality and subways (any and all the foregoing being herein called "projects") [Provided however That no authority shall be created and no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes in-

cluding but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of [thirty-two] fifty years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority said bonds to have a maturity date not longer than forty years from the date of issue and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof and in respect to any project constructed and operated under agreement with any public authority of any adjoining state to borrow money and issue such notes bonds and other evidences of indebtedness and obligations jointly with any such authority

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

(o) To contract with any corporation or any public authority of any adjoining state on such terms as the said authority shall deem proper for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state

Provided however [that] That the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The Court of Common Pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facilities of the Authority or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise dispose of any of the assets of whatever kind

and character belonging to the Authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority

Section 7 Governing Body The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows

If the Authority is incorporated by one municipality the board shall consist of five members each of whom shall be a citizen of [the] such municipality [for which the Authority is created] The [municipal authorities] governing body of such [municipalities] municipality shall appoint the members of the board one of whom shall serve for a year one for two years one for three years one for four years and one for five years from the January first next succeeding the date of incorporation Thereafter the [municipal authorities] said governing body shall at a meeting held [at least a] not later than one month prior to January first in each year in which a vacancy occurs appoint as a member of the board a citizen of the municipality for which the Authority is created for a term of five years to succeed the member whose term expires on the January first next succeeding

If the Authority is incorporated by two or more municipalities the Board shall consist of a number of members at least equal to the number of municipalities incorporating the Authority but in no event less than five

The members of the board shall be appointed their terms staggered and vacancies filled and where the number of municipalities joining is less than five shall be apportioned in such manner as the articles of incorporation shall provide No member shall be appointed for a term longer than five years

Members shall hold office until their successors have been appointed and may succeed themselves and shall receive such salaries as may be determined by the [municipal authorities] governing body or bodies of the municipality or municipalities but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed A member may be removed for cause by the Court of Quarter Sessions of the county in which the Authority is located after having been provided with a copy of the charges against him for at least ten days and full hearing by the court If a vacancy shall occur by reason of the death disqualification resignation or removal of a member the municipal authorities shall appoint a successor to fill his unexpired term

[Three] A majority of the members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Where any Authority has been created prior to the effective date of these amendments with a board composed of five members such board shall continue as the governing body of such Authority with all the powers conferred by this act The members of any such board shall hold the terms of office for which they were originally appointed and in case of a vacancy for any reason in the office of any member a successor shall be appointed for a full term of five years by the governing body of the municipality for which the Authority was created

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the municipality or municipalities creating the Authority having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders [The Department of Revenue of the Commonwealth and its legally authorized representatives are] The controller auditors or accountant designated by the municipality or municipalities are hereby authorized and empowered from time to time to examine at the expense of the authority, the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease lend grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems sewage treatment works lakes or any part or parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project The Commonwealth the county or any city borough or township are also authorized to transfer assign and set over to the Authority any contracts which may have been awarded by said Commonwealth county city borough or township for the construction of projects not begun or if begun not completed

Section 10 Competition in Awards of Contracts If any project or any portion thereof or any improvement or repair thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The board may make rules and regulations for the submission of bids [and] for the construction or improvement or repair of any project or portion thereof no contract shall be entered into for construction or improvement or repair of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority and in an amount fixed by the Authority for the faithful performances of the contract All [construction] such contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct repair or improve any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof Provided however That the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of section nine of this act nor to any contract in connection with the construction of any project which the Authority may have had transferred to it by any person or private corporation

Section 11 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act Provided however That no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain And provided further That in event of the exercise of eminent domain for the purpose of establishing housing projects the [authorities] Authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality or one of the municipalities by which such Authority was organized

Section 14 Termination of Authority When any Authority shall have finally paid and discharged all bonds which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality or municipalities creating the Authority When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against it it may convey all its property to the municipality or municipalities and terminate its existence A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth [who if he approve] If the certificate is approved by the municipality or municipalities creating the authority by its ordinance or ordinances the said secretary shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the board which shall cause the same to be recorded in the office of the recorder of deeds of the county Thereupon the property of said Authority shall pass to the municipality or municipalities and the Authority shall cease to exist

Section 18 If a project shall have been established under this act by a board appointed by a municipality or municipalities which project is of a character which the municipality or municipalities [has] have power to [itself] establish maintain or operate and such municipality [desires] or municipalities desire to acquire the same it or they may by appropriate resolution or ordinance adopted by the proper Authorities signify its or their desire to do so and thereupon the Authorities shall convey by appropriate instrument said project to such municipality or municipalities upon the assumption by the latter of all the obligations incurred by the Authorities with respect to that project

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbysha	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boose,	Hetrick,	O'Connor,	Terry,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Brownfield,	Horting,	Peale,	Valibus,
Burrows,	Huntley,	Pearson,	VanAllsburg,
Cadwalader,	Imbrie,	Perry,	VanSickle,
Caesar,	Jirolanio,	Pershing,	Vogt,
Caputo,	Kane,	Piole,	Wagner,
Chervenak,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
DeNote,	Lewis,	Royer,	Welliver,
Dickinson,	Long,	Ruffennach,	Welsh,
Donohoe,	Longaker,	Rush,	Westrick,
Dougherty,	Lopresti,	Sarraf,	Whalen,
Downey,	Lovett,	Scanlon,	Whitenight,
Dubbs,	Lyons,	Schor,	Wilson,
Dyson,	Marino,	Schrock,	Winner,
Eckels,	Matthews, H. T.,	Schrope,	Wood,
Elpern,	Matthews, J. F.,	Schumacher,	Woodside,
Falkenstein,	McArdle,	Serrill,	Wright,
Finnerty,	McCullough,	Shaw,	Yanoshat,
Fiss,	McDermott,	Shea,	Yeakel,
Fitch,	McDevitt,	Shepard,	Yourishin,
Flanagan,	McElroy,	Shoemaker,	Zappala,
Flannery,	McFall,	Shugarts,	Furman,

NAYS—1

Thomas,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:30 p. m. Are there objections? The Chair hears none and declares a recess until 8:30 p. m.

AFTER RECESS

The House reconvened at 8:30 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 32. (HOUSE BILL No. 2331).

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Referred to the Committee on Appropriations.

SENATE BILL No. 69. (HOUSE BILL No. 2332).

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof the sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property

Referred to the Committee on Judiciary General.

SENATE BILL No. 148. (HOUSE BILL No. 2333).

An Act to amend the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as amended by further regulating the manufacture and sale of carbonated beverages and still drinks changing the penalties prescribed and providing for injunctions in certain cases.

Referred to the Committee on Agriculture.

SENATE BILL No. 199. (HOUSE BILL No. 2334).

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over-time work in certain cases and the exemption for the canning industry imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties.

Referred to the Committee on Labor.

SENATE BILL No. 207. (HOUSE BILL No. 2335).

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering.

Referred to the Committee on Appropriations.

SENATE BILL No. 387. (HOUSE BILL No. 2336).

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect.

Referred to the Committee on Appropriations.

SENATE BILL No. 406. (HOUSE BILL No. 2337).

An Act making an appropriation to the Local Government Commission to continue its work.

Referred to the Committee on Appropriations.

SENATE BILL No. 606. (HOUSE BILL No. 2338).

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for sabbatical leaves of absence for certain employes of school districts.

Referred to the Committee on Education.

SENATE BILL No. 743. (HOUSE BILL No. 2339).

An Act to amend sections five six and twelve of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by providing for a secretary-treasurer in lieu of a secretary and a vice-president of the board and establishing a method for determining classification of beneficiaries.

Referred to the Committee on Cities.

SENATE BILL No. 807. (HOUSE BILL No. 2340).

A Joint Resolution proposing an amendment in section one Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 820. (HOUSE BILL No. 2341).

An Act to further amend section one of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to transfer of structures and facilities of public service companies providing for ascertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

Referred to the Committee on Public Utilities.

SENATE BILL No. 855. (HOUSE BILL No. 2342).

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (Pamphlet Laws 79) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund.

Referred to the Committee on Education.

SENATE BILL No. 911. (HOUSE BILL No. 2343).

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits, debts and interest on debts, proceeds of policies of insurance, stock and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corportions doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

Referred to the Committee on Ways and Means.

SENATE BILL No. 998. (HOUSE BILL No. 2344).

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring or refunding of indebtedness the issuing of bonds by school districts and retiring of indebtedness making payrolls obligations preferential claims against the district providing for penalties for failure to comply with any part of the act and repealing provisions of state laws inconsistent with this act.

Referred to the Committee on Education.

SENATE BILL No. 1041. (HOUSE BILL No. 2345).

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teachers to be citizens except in certain cases.

Referred to the Committee on Education.

SENATE BILL No. 1047. (HOUSE BILL No. 2346).

An Act to amend the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removel of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents and real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions thereof and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the escertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the Orphan's Court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further modifying the terms qualifications and other conditions under which the investment of trust funds may be made by fiduciaries by further providing for additional investment of trust funds by fiduciaries and by further providing with respect to the retention or sale of certain investments in the hands of fiduciaries.

Referred to the Committee on Banking.

SENATE BILL No. 1051. (HOUSE BILL No. 2347).

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1074. (HOUSE BILL No. 2348).

An Act providing a method of annexation of boroughs to cities of the third class and regulating the proceedings pertaining thereto.

Referred to the Committee on Cities.

SENATE BILL No. 1076. (HOUSE BILL No. 2349).

An Act to amend section one as amended and sections two and three of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulatinn of the same' requiring cities to make certain appropriations to the police retirement fund increasing the maximum payments by members and generally clarifying the provisions of said act.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1109. (HOUSE BILL No. 2350).

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws

1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the beginning of a revolving fund for street sidewalk and sewer improvements by funds raised from bond issues.

Referred to the Committee on Townships.

SENATE BILL No. 1110. (HOUSE BILL No. 2351).

An Act to add subdivision (h) to article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing for a revolving fund for permanent street sidewalk and sewer improvements.

Referred to the Committee on Townships.

SENATE BILL No. 1111. (HOUSE BILL No. 2352).

An Act to add subdivision (c) to article twenty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by providing for a revolving fund for street sidewalk and sewer improvements.

Referred to the Committee on Cities.

SENATE BILL No. 1112. (HOUSE BILL No. 2353).

An Act to amend subdivision (i) of article seventeen of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a revolving fund for street sidewalk and sewer improvements.

Referred to the Committee on Boroughs.

SENATE BILL No. 1116. (HOUSE BILL No. 2354).

An Act to amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws 759) entitled "An act granting the right and lawful authority to corporations to construct operate and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply subject to the approval of the Water Supply Commission" extending the provisions of said act to additional corporations.

Referred to the Committee on Corporations.

SENATE BILL No. 1119. (HOUSE BILL No. 2355).

An Act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties.

Referred to the Committee on Mines and Mining.

SENATE BILL No. 1122. (HOUSE BILL No. 2356).

An Act providing for the erection, construction and equipment of a Maximum Security State Penitentiary for the detention, care, maintenance and employmnt of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries; designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority; authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries ;and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

Referred to the Committee on Welfare.

SENATE BILL No. 1157. (HOUSE BILL No. 2357).

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section eighteen.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 1158. (HOUSE BILL No. 2358).

An Act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1162. (HOUSE BILL No. 2359).

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1199) entitled "An act for the acceptance of a site from the University of Pittsburgh and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital providing for the erection construction and equipment of said hospial when appropriations are made available and for its management by the Department of Welfare" providing for the conveyance of said tract to the General State Authority for the construction of said hospital and for the leasing thereof by the Commonwealth after construction.

Referred to the Committee on Welfare.

SENATE BILL No. 1167. (HOUSE BILL No. 2360).

An Act to define and restrict the obligation of persons engaged on connected with or employed by certain newspapers or press association in testifying as to the source of information procured or obtained by such persons.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1208. (HOUSE BILL No. 2361).

An Act to amend sections twelve and fourteen as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and returned to school service and to persons who have separated from school service because of physical or mental disability.

Referred to the Committee on Education.

SENATE BILL No. 1238. (HOUSE BILL No. 2362).

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 1251. (HOUSE BILL No. 2363).

An Act to amend section one of the act approved the

twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number 108) entitled "An act providing for the appointment and filling of vacancies in the office of members of the board of revision of taxes in counties of the first class" by making further provisions relative to the appointment of members of the said board.

Referred to the Committee on Cities.

BILLS INTRODUCED AND REFERRED

By Messrs. COLEMAN, DAVIES, DOUGHERTY, TOOLE and BIERLY. HOUSE BILL No. 2364.

An Act making an appropriation to the Department of Forests and Waters for the acquisition of certain lands in Lackawanna and Luzerne counties as State forest lands.

Referred to the Committee on Appropriations.

By Mr. SHOR. HOUSE BILL No. 2365.

An Act making an appropriation to the Constitution Celebration Committee of the City of Philadelphia to defray the costs and expenses incident to the formation and execution of plans and programs for the proper celebration of the one hundred and fiftieth anniversary of the framing, the signing, the ratification by Pennsylvania and the final adoption and establishment of the Constitution of the United States.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TURNER. RESOLUTION No. 88.

In the House of Representatives, May 18, 1937.

Whereas, In a series of resolutions adopted at a meeting of Delaware County Democrats in the Borough of Media, on the evening of April 22, 1937, it was openly charged that 'there is too much politics and coercion in WPA" in that county, and "too close alliance with men of questionable character making applications for taproom licenses" and

Whereas, It is currently stated that applicants for liquor licenses in Delaware County have been compelled to pay large sums to secure the renewal of their licenses, said payments being made to those prominent in the affairs of the Democratic party; and

Whereas, It is alleged that liquor licenses have been granted to improper parties by the Pennsylvania State Liquor Control Board, and

Whereas, It is also currently reported that there is a close alliance between at least one representative of the Federal Government in Delaware County and liquor interests of that county; and

Whereas, All this has become such a stench in the nostrils of the voters that for the sake of party regularity Delaware County Democrats have been advised to "hold their noses" while they swallow the noisome mess; and

Whereas, Notwithstanding all efforts at gag rule, these Democrats have demanded the resignation of County Chairman Dr. James F. Bogardus, as a rebuke to the party leadership responsible for the alleged partnership between liquor and Democratic politics in Delaware County; and

Whereas, Dr. Bogardus is Secretary of Forests and Waters in the State Government;

Therefore be it Resolved, That the Speaker of this House shall appoint a Committee of five, three members of the majority and two of the minority, whose duty it shall be to make a careful and impartial investigation of the charges herein set forth, and to make report to this House as early as possible, together with such recommendations as the facts may warrant; and be it further

Resolved, That said Committee shall have power to issue subpoenas under the hand and seal of the Chairman requesting and commanding any person or persons to appear before them and to answer such questions touching upon matters properly being inquired into by the Committee and to produce such papers, records and documents as the Committee may deem necessary for the purpose of ascertaining whether or not there is relationship or collusion between persons engaged in the liquor traffic in Delaware County and the license granting authorities of the State; or if any contributions are being demanded in return for favors to persons in the liquor trade by persons in position to be politically influential; or if the persons engaged in the liquor traffic in Delaware County are being intimidated and coerced into making payments to political parties or others by the withholding of licenses by the State Liquor Control Board; and whether licenses are being granted to improper parties in Delaware County by the use of influence, money or other thing. Such subpoenas may be served on any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of this Committee shall have the power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall wilfully neglect or refuse to testify before said Committee, or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Rules.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1651.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1651, Printer's No. 909, entitled "An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled 'An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 190 and 390

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 190, Printer's No. 759, entitled "An Act to amend clauses (i) and (j) of section four clauses (e) (f) and (j) of section two hundred eight and sections three hundred nine and five hundred seven of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled 'An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties' by providing for certain additional persons to be considered as employers providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who were honorably discharged from such service further defining the qualifications and the method of examining personnel providing a system of promotion for employes in the civil service system further defining the scope of judgments obtained for the collection of employer contributions and extending the jusidiction of Courts of Common Pleas with respect to summons and subpoenas issued under the act."

House Bill No. 390, Printer's No. 809, entitled "An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and prescribing penalties."

GEORGE H. EARLE.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 753.

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments

HOUSE BILL No. 1639.

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents authorizing the preparation and equipment (including necessary construction) of the institution for such purposes either by the Department of Property and Supplies or The General State Authority and authorizing the necessary leases or conveyances for this purpose changing the name of the Board of Trustees of Pennsylvania Industrial School providing for the commitment and transfer of such persons to such institution and discharge therefrom conferring powers and imposing duties on the aforesaid board of trustees the Department of Welfare and courts and imposing certain charges on counties

HOUSE BILL No. 1715.

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties

HOUSE BILL No. 2154.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

SENATE MESSAGE

RESOLUTION CONCURRED IN BY THE SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 17, 1937.

Resolved (if the Senate concur) That Senate Bill No. 749, Printer's No. 454, which was passed by the House May 12 with amendments, and messaged to the Senate for concurrence, be recalled by the House from the Senate for the purpose of further amendment.

MESSAGE AND BILL LAID ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the bill together with the message from the Senate be laid upon the table.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. LaRUE, from the Committee on Forestry, reported as amended, House Bill No. 2207, (Senate Bill No. 670), entitled:

An Act to further amend section 4 of the act approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106) entitled, "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth pro-

viding for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken, damaged or destroyed.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KILROY asked and obtained permission for the Committee on Highways to meet during the session of the House.

REPORT OF TAX STUDY COMMISSION

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the second preliminary report of the Tax Study Commission covering the Anthracite Coal Industry.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix of the Legislative Journal.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1642.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1642, Printer's No. 814, for the purpose of amendmen.

Accordingly, the original bill is hedewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. O'KEEFE. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. BAINE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. O'Keefe, vote on the final passage of this bill?

Mr. O'KEEFE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Baine, vote on the final passage of this bill?

Mr. BAINE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. BAINE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill onthird reading?

Mr. O'KEEFE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 6, page 8, line 16, by striking out the following: "and the heavy-face bracket after the word 'same' before the word 'The' ".

Amend sec. 6, page 8, line 16, by striking out the heavy-face bracket after the word "county".

Amend sec. 6, page 9, line 9, by striking out the following "and the heavy-face bracket after the word 'the' before the word 'salary' ".

Amend sec. 6, page 9, line 10, by striking out the following: the heavy-face bracket and the word 'commission' after the word 'county' ".

SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON THIRD READING

Mr. JAMES A. SMITH. Mr. Speaker, I desire to call up at this time House Bill No. 1222, Printer's No. 686, on page 25, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. JAMES A. SMITH.

The House resumed the consideration on third reading of House Bill No. 1222, entitled:

An Act to amend section three of the act approved the third day of May one thousand eight hundred fifty (Pamphlet Laws six hundred fifty-four) entitled "An act providing for the election of district attorneys" by changing the power of appointment in cases of vacancies in the office of district attorney

On the question,

Will the House agree to the bill on third reading?

Mr. JAMES A. SMITH. Mr. Speaker, I ask unanimous consent to offer amendments.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 6 of title by inserting after the word "attorney" the following: "in counties of the first class".

Amend sec. 1 (sec. 3), page 1, line 12 by inserting after the word "if" the following: "in any county of the first class".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consider-

ation of House Bill No. 2121, (Senate Bill No. 218), entitled:

An Act to amend section two hnudred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment and compensation of [a] detective to the district attorney in counties of the fifth class

And said bill having been read a length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Smith, James A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was retermined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 248, entitled:

An Act to carry into effect section one of Article fifteen of the Constitution giving cities other than cities of the first and second classes the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisons of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—98

Allmond,	Gorski,	Melchiorre,	Serrill,
Aukerman,	Hall,	Moomaw,	Shaw,
Baine,	Hamilton, R. S.,	Moran,	Shea,
Baker, F. T.,	Hays,	Muir,	Shepard,
Bierly,	Hindman,	Munley,	Sollenberger,
Blank,	Hirsch,	Murrin,	Stackpole,
Bohn,	Holmes,	Nagel,	Stewart,
Boose,	Hontz,	Ominsky,	Stockham,
Brigerman,	Horting,	Ostroff,	Strode,
Broad,	Imbrie,	Peale,	Thomas,
Brownfield,	Kane,	Pearson,	Toole,
Cadwalader,	Kelso,	Perry,	Tumelty,
Caesar,	Kilroy,	Powers,	Valibus,
Cohen, R. E.,	Kline,	Preston,	Wall,
Corrigan,	Kroll,	Readinger,	Wampole,
Costanzo,	Leisey,	Reese,	Watkins,
Davies,	Longaker,	Reising,	Webster,
Dickinson,	Lovett,	Richter,	Weiss, D. H.,
Downey,	Lyons,	Robinson,	Weiss, S. A.,
Elpern,	Marino,	Ruffennach,	Welsh,
Falkenstein,	Matthews, J. F.,	Rush,	Westrick,
Fitch,	McCullough,	Sarraf,	Wright,
Flanagan,	McFall,	Schor,	Yourishin,
Flannery,	McKinney,	Schumacher,	Zappala,
Gerard,			

NAYS—49

Baker, J. J.,	Jirolanio,	O'Neill,	Stank,
Boles,	Keenan,	Patterson, J. W.,	Turner,
Boyer,	LaRue,	Piole,	VanAllsburg,
Brancato,	Lewis,	Rothenberger,	VanSickle,
Cohen, H. B.,	Lopresti,	Royer,	Vogt,
DeNote,	McArdle,	Scanlon,	Wagner,
Dyson,	McElroy,	Schrock,	Weidemann,
Eckels,	McGee,	Schrope,	Wilson,
Finnerty,	Mihm,	Shoemaker,	Wood,
Harkins,	Mooney,	Siegel,	Yanoshat,
Hess,	Moul,	Simon,	Yeakel,
Holland,	O'Connor,	Spengler,	Furman,
Huntley,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate wihich were laid upon the table.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1214, as follows:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators manicurists and demonstrators prescribing certain qualifications for examiners inspectors investigators and supervisors making certain changes in the powers and duties of the Department of Public Instruction and in the procedures to be followed in the enforcement of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two three four five six eight nine and eleven of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties are hereby amended to read as follows

Section 1 The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Beauty Culture" includes any or all work done for compensation either direct or indirect by any person which work is generally and usually performed by so-called hair-dressers cosmetologists cosmeticians beauticians or beauty culturists and however denominated in so-called hairdressing and beauty shops ordinarily patronized by women which work is for the embellishment cleanliness and beautification of the [women's] hair such as arranging dressing curling waving permanent waving cleansing cutting singeing bleaching coloring pressing or similar work thereon and thereabout and the removal of superfluous hair by means of waxes depilatories or other agencies and the massaging cleansing stimulating manipulating exercising or similar work upon the scalp face arms or hands or the upper part of the body by the use of mechanical or electrical apparatus or appliances or cosmetics preparations tonics antiseptics creams or lotions or by any other means and of manicuring or embellishing the nails of the fingers or the toes which enumerated practices shall be inclusive of the term beauty culture but not in limitation thereof

Section 2 It shall be unlawful for any person to practice or teach beauty culture or electrolysis as a beauty treatment or manage a shop or to use or maintain any place for the practice or teaching of beauty culture for compensation either direct or indirect unless he or she shall have first obtained from the department a certificate of registration as provided in this act Nothing contained in this act however shall apply to or affect any person who is now actually engaged in such occupation except as hereinafter provided

Section 3 Before any person may practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop such person shall file with the department a written application for registration accompanied by a health certificate issued by a registered licensed physician of Pennsylvania under oath on a form which shall be prescribed and supplied by such department and shall deposit with the department the registration fee and pass an examination as to fitness to practice or teach beauty culture or manage a beauty shop as hereinafter provided in this act

Section 4 (a) No person shall be granted a certificate of registration as a student or apprentice unless such person shall have completed the eighth grade of the public school or its equivalent

(b) No person shall be permitted by the department to take an examination to receive a certificate as an operator unless such person shall be at least sixteen years of age and has been registered as a student and has had training as hereinafter provided in this act in a beauty school of beauty culture duly registered by the department or unless such person shall have been registered and served as an apprentice at least [two year] fifteen months as hereinafter provided in this [Provided however That the department may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish to the satisfaction of the department that he or she has been an operator in the active practice of beauty culture for at least twenty-four months within the five years next preceding the effective date of this act]

(c) No person shall be permitted to take an examination for a certificate to teach beauty culture [or act as manager of a beauty shop unless such person shall be [eighteen] sixteen years of age and has had at least eighteen months' experience as a licensed operator in a beauty culture shop [or] and has had training in a duly registered school of beauty culture of fifteen hundred hours or the equivalent thereof in apprenticeship training inclusive of the studies necessary to become an operator

Provided that a licensed operator who possesses proper qualifications as to age and experience shall be credited as having completed one thousand hours of training and shall be eligible to take a teacher's examination on completion of the remaining number of hours specified in the following schedule After the first day of January one thousand nine hundred and thirty-eight and until the first dayof September one thousand nine hundred and thirty-eight one thousand six hundred hours shall be required of all applicants for license as teachers of beauty culture and the training shall include at least two semester hours of vocational training approved by the department after the first day of September one thousand nine hundred and thirty-eight and until the first day of January one thousand nine hundred and thirty-nine one thousand four hundred hours shall be required including at least eight semester hours of vocational teacher training and after the first day of January one thousand nine hundred and thirty-nine two thousand hours shall be required including at least six semester hours of vocational teacher training The vocational teachertraining as herein specified shall be of such nature and quality as to be on a level of approved college credits

(d) After the first day of September one thousand nine hundred and thirty-seven no person shall be permitted to take an examination for a certificate to manage a beauty shop unless the said applicant is at lest twenty-one years of age holds a valid license as an operator has has at least one thousand five hundred hours of training in an approved school of beauty culture or the equivalent thereof in training as an apprentice inclusive of the studies necessary to become an operator and has had at least two years of experience as a licensed operator The training of the said applicant shall include instruction in the rudiments of bookkeeping in shop and personnel management and in the laws and regulations for the administration of the beauty culture act and the amendments thereto

Every shop shall employ a licensed manager except that a shop in which the bona fide owner actually works as a licensed operator shall not be required to employ a licensed manager if the said owner actually devotes his personal time and attention to performance of such duties

Section 5 A limited certificate of registration to manicure the nails only may be applied for and granted under all of the terms and conditions of this act except that the examination therefor may be limited to such practice only and the required beauty culture schooling shall be

not less than one hundred fifty hours within a period of not less than one month

Section 6 (a) No school of beauty culture shall be granted a certificate of registration unless it shall attach to its staff as a consultant a person licensed by this Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours shall establish grades and hold examinations before issuance of diplomas and shall require a day school term of training of not less than one thousand hours within a period of not less than six [consecutive] months or a night school term of training of not less than one thousand hours within [for] a period of not less than twelve [consecutive] months for a complete operator's course Not more than seven hours of credit may be earned in any one day and not more than a total of thirty-five hours per week in schools which are open five days per week or more than a total of forty hours per week in schools which conduct classes on Saturdays [compromising] The said course shall embrace all or a majority of the practices of cosmetology as provided by this act and [to] include practical demonstrations and theoretical studies and study in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to beauty culture or any practice thereof and a study of the laws and regulations pertaining to the administration of the beauty culture act In no case shall there be less than one teacher to each [twenty-five] twenty pupils nor less than two registered teachers on the staff of any school No certificate shall be granted to a school of beauty culture not heretofore registered unless the floor space of such school actually available for class-room purposes shall be at least one thousand square feet and the apparatus and equipment of such school be in the opinion of the department adequate for the proper training of at least twenty pupils at one time In no case shall a certificate be granted unless it is established to the satisfaction of the department that the applicant is a morally and financially responsible person and in the case of a corporation that its officers and directors are such

(b) The applicant for a certificate of registration for a school of beauty culture shall advertise the intention to apply for the same in a newspaper of general circulation printed in the English language in the county in which the premises involved are situated Advertisements shall appear once per week for two consecutive weeks the last of which shall appear at least ten days prior to the date fixed for the presentation of the application and shall contain such information as the rules of the department may require

Objections thereto may be filed with the department within ten day after the presentation of the application Upon the filig of objections to any application the department shall determine whether a hearing shall be held thereon at Harrisburg upon five days notice to all interested parties at such hearing if held the department shall take testimony on and consider the application and exceptions and shall reject or accept application upon such testimony or upon such other facts as the department upon investigation may ascertain

There shall be required of every applicant for license as an operator of a beauty shop who enters a course of training after the first day of November one thousand nine hundred and thirty-seven but before the first day of March one thousand nine hundred and thirty-eight eleven hundred hours of training There shall be required of such applicants who enter a course of training after the first day of March one thousand nine hundred and thirty-eight but before the first day of November one thousand nine hundred and thirty-eight thirteen hundred hours of training There shall be required of all such applicants who enter a course of training after the first day of November one thousand nine hundred and thirty-eight fifteen hundred hours of training

(d) There shall be at least one full time State supervisor of the schools of beauty culture who shall visit and supervise the schools and the teachers of apprentices report to the proper officials in the department all violations of the beauty culture laws and regulations offer advice and assistance to the owners and teachers of the several schools and perform such duties as may be required by the department in ascertaining which requests for the opening of new schools merit the approval of the department No one shall be eligible to serve as State supervisor without possessing the following qualifications (1) Graduation from a course in a licensed school of beauty culture (2) possession of a valid certificate as a teacher of beauty culture (3) at least three years of experience in the practice inspection or supervision of beauty culture or in a combination of practise inspection and supervision after obtaining a teacher's license

Section 8 It shall be unlawful for any person to practice beauty culture for pay in any place other than a registered beauty shop Provided that a registered operator may furnish beauty culture services to persons in residences of such persons or in institutions by appointment subject to the following requirements

(a) They shall prove to the Department that they are duly sponsored by a licensed shop in good standing and under competent management

(b) The owner of the sponsoring shop shall fully supply and equip the operator who renders service outside the shop

(c) All appointments in homes and other places where beauty culture service is rendered outside the shop shall be booked and recorded by the shop the operator represents

(d) The number of operators-by-appointment that any shop may sponsor shall be limited to a number not in excess of the number remaining in service in the shop In other words the total number of operators for any one shop (operators-in-shop plus operators-by-appointment) shall not be more than twice the number of operators in the shop

No beauty culture shop shall hereafter be licensed until a preliminary investigation has been conducted by the Department of Public Instruction Such investigation shall establish through a personal visit of an investigator the moral fitness and the financial responsibility of the one who contemplates becoming the owner of the said shop The investigation shall also ascertain whether the proposed shop meets the requirements of the Department

There shall be at least four investigators of beauty culture shops who possess the following qaulifications (1) A valid license as an operator in the practice of beauty culture (2) at least three years of experience in the practice of beauty culture or as an investigator or both after the obtaining of an operator's manager's or teacher's license

Section 9 [Any person who has practiced or taught beauty culture or acted as manager of a beauty shop or school of beauty culture under a certificate license or permit for not less than two years in another state territory or District of Columbia or any person who has done so in this Commonwealth for at least six months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect may secure the certificate of registration required by this act without an examination or compliance with other requirements as to age or education provided such person shall make application to the department for registration within ninety days after the effective date of this act Such application shall be accompanied by an affidavit of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases and the registration fee required by this act Any person studying beauty culture in a school of beauty culture or as an apprentice in a beauty shop in this Commonwealth at the time this act goes into effect shall receive credit for such time and studies without complying with the requirements of this act as to age and preliminary education provided such person shall make application to the department for registration as a student or apprentice within three months after this act goes into effect] Students upon

graduating from registered or approved schools of beauty culture may apply for and receive from the department a temporary permit to practice as an operator or manicurist until the expiration of six weeks following the next regular examination held by the department under the provisions of this act but no temporary permit shall authorize the holder to serve as manager of a beauty culture shop or as teacher in a school of beauty culture or as a teacher of apprentices in a beauty culture shop

At each examination center in each examination conducted by the department after the first day of July one thousand nine hundred and thirty-seven at least one of the examiners shall possess the qualifications and hold a valid license of teacher of beauty culture and at least one other shall possess the qualifications and a valid license of manager of a beauty culture shop and no one shall serve as examiner in the practical portion of such examinations unless during the five years immediately preceding the examination the said examiner has had at least three years of practical experience as teacher manager operator or investigator licensed in beauty culture or a combination thereof in a school or shop of beauty culture in this Commonwealth The minimum compensation for the service of qualified examiners shall be ten dollars ($10.00) per day plus actual and necessary expenses No one who is actively connected with or financially interested in a school of beauty culture shall serve as an examiner

When an examination is bein conducted the examiner in charge shall at the end of each day collect all examination papers which have been completed and in the presence of the other examiners shall seal the said papers and transmit them under seal to the Department of Public Instruction The seal shall thereafter be broken in the presence of at least one member of the Beauty Culture Advisory Committee and at least one member of the said Committee shall be in attendance during the entire period when the papers are being scored and the results thereof are being determined and recorded

When a written agreement has been ratified by the proper officials of this State and the proper officials of any other state or the District of Columbia and where the standards guarantee an equal degree of ability in theory and practice with the standards prescribed for residents of this Commonwealth any person trained within another state or in the District of Columbia may be admitted to an examination on the same conditions as applicants who have been trained in this Commonwealth

Section 11 The department shall prescribe reasonable rules for [its] the conduct and for the qualifications registration and examination of applicants to practice or teach beauty culture and for the registration of [apprentices teachers students] beauty shops apprentices operators teachers demonstrators manicurists students and managers of beauty shops or schools of beauty culture and for temporary licenses to be issued at the discretion of the department and for the regulation of size location equipment personnel operation and liability of beauty shops and schools of beauty culture and generally for the conduct of beauty shops and schools of beauty culture and persons copartnerships associations or corporations affected by this act Rules established by the department shall be printed and supplied to applicants and license holders upon request

Section 2 Section twelve of the said act as amended by the first section of the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 677) is hereby further amended to read as follows

Section 12 If the department finds that the applicant has submitted the credentials required by this act for admission to examination and has paid the registration fee required by this act the department shall admit such applicant to examination and shall issue a certificate of registration to practice as operator manager manicurist demonstrator or teacher as the case may be to those successfully passing the required examinations Every certificate of registration except schools and shops issued by the department shall have attached thereto the photograph of the person to whom the same is issued [and where a certificate is issued in the name of a corporation it shall be furnished by the applicant for registration] and shall be of such size as the department may require The department shall hold public examinations beginning on the third [Tuesday] Monday in January April July and October in the cities of Philadelphia Pittsburgh Wilkes-Barre Harrisburg and Erie at such hours as the department shall prescribe No examination shall be held at any other time or place except that in case of emergency it shall be within the discretion of the department to postpone to a later date for all the centers designated herein any examination period The examination for teachers' and managers' licenses shall differ from the examination for operators' licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of beauty culture including ability to teach properly the various practices and theories of beauty culture or to manage a shop

Section 3 Section thirteen of the said act as last amended by the first section of the act approved on the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 677) is hereby further amended to read as follows

Section 13 The department shall have the power to refuse revoke or suspend licenses or certificates upon due hearing on proof of violation of any provisions of this act or the rules and regulations established by the department under this act or for gross incompetency or dishonest or unethical practices or conduct or for performing beauty culture work on Sunday and shall have the power to require the attendance of witnesses and the production of such books records and papers as it may desire Before any certificate [shall] may be refused suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the department with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose certificate of registration has been so refused suspended or revoked may after the expiration of ninety days on application to the department have the same [re-issued] granted or re-instated to him or her upon satisfactory proof that the disqualification has ceased [Before the department may institute any of the above procedings it shall send a notice in writing to the certificate holder of any alleged violation of this act or rules thereunder together with a notice that if the violation is not abated with fifteen days the proceedings above outlined will be initiated]

Section 4 Section sixteen of the said act is hereby amended to read as follows

Section 16 The registration fee for the issuance of a license with or without examination shall be as follows five dollars ($5.00) for beauty shop owners managers and teachers two dollars ($2.00) for operators and manicurists one dollar ($1.00) for students or apprentices Five dollars ($5.00) for Demonstrators or Demonstrating Teachers who obtain license by examination twenty-five dollars ($25.00) for Demonstrators or Demonstrating Teachers who obtain license under the provisions for exemption from examination hereinafter set forth and fifty dollars ($50.00) for schools of beauty culture Annual renewal fees shall be five dollars ($5.00) for shop owners and managers [and] school instructors demonstrators and demonstrating teachers two dollars ($2.00) for operators and manicurists and twenty-five dollars ($25.00) for schools of beauty culture For each change in location of a shop there shall be a registration fee of five dollars ($5.00) and for each change in location of a school the fee shall be five dollars ($5.00) The above fee for registration examination and certificate shall be paid in advance to the Department and by it paid into the State Treasury through the Department of Revenue

Section 5 Section eighteen of the said act is hereby amended to read as follows

Section 18 No one shall hereafter be permitted to practice as a demonstrator in any branch of beauty culture or

in the use or application of any machine device or product for the practice of beauty culture without a demonstrator's license Those who limit their demonstrations to the aiding of individuals who are already licensed operators or to a demonstration of the proper usage of machines devices or prducts in shops or in style shows or conventions shall possess the qualifications herein set forth for operators or managers Those who demonstrate in schools of beauty culture or at any time and place demonstrate for the purpose of affording instruction to those who are students or apprentices in course shall be called Demonstrating Teachers and shall possess the qualifications herein set forth for teachers Provided That any person who holds an operator's or manager's license in this Commonwealth or in any state with which this Commonwealth has a reciprocal agreement as to licensure may obtain a demonstrator's license without examination by paying the special fee hereinbefore provided for or any person who in like manner holds a teacher's Certificate may obtain a Demonstrating Teacher's license without examination

Every holder of a certificate granted by the said department as provided in this act shall display it together with the current renewal card in a conspicuous place in his or her principal office place of business or employment

Failure or refusal to do so shall be sufficient cause for suspension of the said license by the department for a period of ten days Any person who shall violate any of the provisions of this act except as herein otherwise provided shall upon summary conviction thereof be sentenced to pay a fine of not less than ten dollars ($10.00) nor more than ninety dollars ($90.00) or to undergo an imprisonment of not less than ten (10) days nor more than sixty (60) days or both at the discretion of the court Any such person shall have the right of appeal as in other cases of summary conviction

Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate on or before the first day of January in each year and who continues the practice of beauty culture or any of its branches shall on conviction thereof be subject to a fine of not more than ten dollars ($10.00) to be collected by summary conviction as like fines are collected by law and in case of nonpayment of fine to undergo an imprisonment for a period not to exceed more than ten (10) days Any such person shall have the right of appeal as in other cases of summary conviction

Section 6 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 7 Except as otherwise herein provided this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT BILL

Mr. SCANLON. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. HIRSCH. Mr. Speaker, I rise to oppose the motion. This bill is the product of a lot of time and study on the part of the Hairdressers Association of Pennsylvania, the legitimate schools of Pennsylvania and the Department of Public Instruction. Any man who sends his daughter to a school of beauty culture expects, when she comes out, that she will know something. The only opposition to this bill is the gyp schools who are interested in taking the people's money and not giving them anything for it. The Department of Public Instruction, along with the Hairdressers Association and the legitimate schools, has given a lot of time and thought to this bill. This bill has been prepared to elevate the standards of the profession, and as I said I know that any member who sent his daughter to one of these schools would expect her, upon the completion of the course, to know something about the work or the vocation she was going to pursue. That is what this bill does, it elevates the standards and aims to have these gyp schools come up to the standards of the legitimate schools in Pennsylvania.

Mr. Speaker, I ask the membership of this House to vote down this motion.

MOTION TO POSTPONE BILL

Mr. SCANLON. Mr. Speaker, I withdraw my motion and now move that House Bill No. 1214, Printer's No. 976, be placed on the postponed calendar.

The motion was not agreed to.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HIRSCH. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HIRSCH. Mr. Speaker, I would like to have an explanation. Is the House now voting on House Bill No. 1214, Printer's No. 976?

The SPEAKER. That is correct. The House is now voting on House Bill No. 1214, Printer's No. 976.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—177

Achterman,	Flanagan,	McGee,	Sloan,
Alexander,	Flannery,	Melchiorre,	Smith, James A.,
Allen,	Flinchbaugh,	Mellott,	Smith, John A.,
Arnold,	Ganser,	Merrell,	Snyder,
Atkins,	Gerard,	Mihm,	Sollenberger,
Aukerman,	Gillette,	Moomaw,	Spengler,
Baine,	Gorski,	Mooney,	Sproul,
Baker, F. T.,	Haberlen,	Moran,	Stackpole,
Baker, J. J.,	Hagerty,	Moul,	Stank,
Balthaser,	Hamilton, F. P.,	Muir,	Stewart,
Bierly,	Hamilton, R. S.,	Munley,	Stockham,
Blank,	Hering,	Murrin,	Strode,
Bohn,	Hess,	Nagel,	Terry,
Boles,	Hetrick,	O'Connor,	Thomas,
Boltz,	Hindman,	Ominsky,	Thompson,
Boose,	Hirsch,	Ostroff,	Toole,
Boyer,	Holland,	Patterson, C. S.,	Tronzo,
Bradley,	Holstrom,	Peale,	Trout,
Brancato,	Hontz,	Pearson,	Tumelty,
Brigerman,	Horting,	Perry,	Turner,
Broad,	Huntley,	Pershing,	Valibus,
Brown,	Imbrie,	Piole,	VanAllsburg,
Brownfield,	Jirolanio,	Powers,	VanSickle,
Burrows,	Kane,	Preston,	Vogt,
Cadwalader,	Keenan,	Readinger,	Wagner,
Caesar,	Kelso,	Reese,	Wall,
Caputo,	Kilroy,	Reising,	Wampole,
Chervenak,	Kline,	Richter,	Watkins,
Coakley,	Kroll,	Robinson,	Webster,
Cohen, H. P	Leisey,	Royer,	Weidemann,
Cohen, R. E.	Levy,	Ruffennac	Weiss, D. H.,
Coleman,	Lewis,	Rush,	Weiss, S. A.,
Coolahan,	Long,	Sarraf,	Welliver,
Davies,	Longaker,	Schor,	Welsh,
DeNote,	Lopresti,	Schrock,	Westrick,

Dickinson,	Lyons,	Schrope,	Whalen,
Dougherty,	Marino,	Schumacher,	Whitenight,
Downey,	Matthews, H. T.,	Serrill,	Wright,
Dubbs,	Matthews, J. F.,	Shaw,	Yanoshat,
Eckels,	McArdle,	Shea,	Yeakel.
Falkenstein,	McCullough,	Shoemaker,	Yourishin,
Finnerty,	McDevitt,	Shugarts,	Zappala,
Fiss,	McElroy,	Simon,	Furman,
Fitch,	McFall,	Skale,	

NAYS—29

Allmond,	Harkins,	McKinney,	Shepard,
Corrigan,	Harmuth,	McShane,	Siegel,
Costanzo,	Hays,	O'Brien,	Walsh,
Donohoe,	Holmes,	O'Neill,	Wilson,
Dyson,	LaRue,	Patterson, J. W.,	Winner,
Elpern,	Lovett,	Rothenberger,	Wood,
Habbyshaw,	McDermott,	Scanlon,	Woodside,
Hall,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. CAPUTO. Mr. Speaker, I desire to call up at this time House Bill No. 1020, Printer's No. 710, on page 27, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. CAPUTO.

The House resumed the consideration on third reading of House Bill No. 1020, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hess,	O'Brien,	Strode,
Boltz,	Hetrick,	O'Connor,	Terry,
Boose,	Hindman,	O'Keefe,	Thomas,
Boyer,	Hirsch,	Ominsky,	Thompson,
Bradley,	Holland,	O'Neill,	Toole,
Brancato,	Holmes,	Ostroff,	Tronzo,
Brigerman,	Holstrom,	Patterson, C. S.,	Trout,
Broad,	Hontz,	Patterson, J. W.,	Tumelty,
Brown,	Horting,	Peale,	Turner,
Brownfield,	Huntley,	Pearson,	Valibus,
Burrows,	Imbrie,	Perry,	VanAllsburg,
Cadwalader,	Jirolanio,	Pershing,	VanSickle,
Caesar,	Kane,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coleman,	LaRue,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	Levy,	Rothenberger,	Weiss, D. H.,
Costanzo,	Lewis,	Royer,	Weiss, S. A.,
Davies,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Walsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, H. T.,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. VAN SICKLE. Mr. Speaker, I desire to call up at this time House Bill No. 1155, Printer's No. 806, on page 26 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. VAN SICKLE.

The House resumed the consideration on third reading of House Bill No. 1155, entitled:

An Act to amend paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment hereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from

the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further providing with respect o investments of trust funds by fiduciaries

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, this is the bill about which we had considerable discussion the other night. The gentleman from Philadelphia, Mr. Blank, spoke, you will recall, on the question of mortgage pools and participations. Since that time, as I understand it the gentleman from Philadelphia, Mr. Blank, was mistaken in his construction of the bill. While he said that the bill only prevented investments in participations and in mortgage pools, where restricted under the will of a testator or under the terms of a trust agreement, I am now given to understand by eminent authority that the amendments which were placed in this bill by the gentleman from Philadelphia, Mr. Blank, would preclude the mortgage pools and participations.

We have just passed Bill No. 1020, which provides for mortgage pools and participations and have surrounded it with certain restrictions to avoid the difficulties which have been encountered in the past. I am amazed at the gentleman calling up the bill in its present shape. The bill without the amendments of the gentleman from Philadelphia is a perfectly good bill. That is the way in which it was submitted by the Department of Banking, that is the way in which it was intended that this bill should pass the Legislature, but the gentleman from Philadelphia, Mr. Blank, being opposed to mortgage pools and participations placed in the bill amendments which would restrict and would eventually prohibit mortgage pools and participations.

I do not care to take the time of the House to repeat the arguments which the gentleman from Philadelphia and I used the other day, but it is perfectly apparent, I think, to those of us who live in the districts where we have small funds to invest, where the trust companies are often in difficulties to find investments for small estates and for funds for minors where there is a guardianship, that it would place an undue hardship upon the small estate and upon those estates of minors where it is necessary to keep the funds invested, even though the return be a very small return, to help defray the expenses of the minor. Perhaps you laymen of the House did not know that very often where there is a guardianship, it is necessary for the guardian to go into court and to ask the court for leave to expend some of the principal, and any penny that can be gained or earned by investment conserves the principal just that much. It often happens, as I have seen in many estates where I have represented the minors and the guardian of some trust company, that we have from two to three thousand dollars and we find that we have three or four minors and it is very difficult to invest those funds.

I think the gentlemen who are the sponsors of this bill should have offered amendments, taking out the amendments offered by the gentleman from Philadelphia and the bill would then have been in proper form to be passed. As the bill now stands it is not in proper form to be passed.

I do not want to oppose this bill. I would like to see the bill passed because it has many other good features. I, therefore, would like to see the bill placed on the postponed calendar.

BILL POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, seventy-five members having voted in the affirmative and fifty-six in the negative, the question was determined in the affirmative and the motion was agreed to.

STATEMENT BY MR. OSTROFF

Mr. OSTROFF asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, we have just put on the postponed calendar a bill which is intended to regulate mortgage pools and participation certificates. The gentleman from Philadelphia, Mr. Blank, very ably pointed out the other day the perils that surround the investment by small investors and small trust estates in this type of investment. The bill as amended was one which would help this type of industry, and I fail to understand why the House did not pass the bill as amended. This Bill No. 1155 as amended was intended to prevent fiduciaries from investing in mortgage participation certificates, and there are many reasons why that should be done. Usually this type of mortgage is a large mortgage or a group of assorted mortgages. If it is one mortgage it is usually some type of large office property which certainly is not the type of investment that should be placed in small estates, as there is usually very little income from such investments, and where the estate has to take over the building on mortgage after foreclosure, the cost of settlement and final action, legal expenses and so forth usually absorb the income. The question of proper investment of funds held in a fiduciary capacity is a very important one. For many years it has been the practice of many banks and trust companies as well as individual fiduciaries in the Commonwealth to invest trust funds in their control in participations in pools or funds of mortgages held by such institutions as trustees or otherwise.

At the present time under the jurisdiction of the Banking Department trust funds in this Commonwealth are invested in participations in mortgages to the extent approximately of two hundred seventeen million dollars, and in pools and funds thereof in the additional amount of approximately one hundred ninety-eight million dollars.

These figures as of November 6, 1936. House Bill No. 1020 was passed today, and House Bill No. 1155 has just been placed on the postponed calendar. One of these bills prohibits entirely all investments of trust moneys in participations, in pools or funds of mortgages, and another bill, continuing the authorization to make such investments, but setting up an intricate and complicated system of regulation of bank and trust companies and trust companies and then the making of such investments.

There is no unanimity of opinion upon this important question among those interested in the broad question of authorized investments of trust funds, clashing views in respect to which have been expressed within the past several weeks. It has not been established conclusively whether the past abuses involving such investments, particularly losses caused thereby and delays and distributions of cash to those entitled thereto, have resulted from innate weaknesses in such securities as trust investments from lack of, or improper statuary regulation of such investments or from conditions incident to the recent serious depression in real estate values, or from any combination of such causes. It has been submitted that prohibition of investment of trust funds in participations in mortgages and in pools or funds thereof would detrimentally affect the proper handling of trust funds resulting in a diminution of income to those dependent thereupon and would seriously affect the financing of real estate construction both residential and commercial. It is of vital importance that this House have full knowledge of the facts and conditions with reference to such investments before any measures are enacted either for the further regulation of such investments or for the prohibition thereof. The Department of Banking is equipped to make such an investigation as will make available to the House the data essential to a full consideration of the grave questions involved.

Mr. Speaker, I offer a resolution asking the Department of Banking to make such an investigation, that it be directed to make an investigation of the investments for trust funds and other funds held in a fiduciary capacity by trustees, executors, administrators, guardians or other fiduciaries insofar as the same shall pertain to undivided interests in mortgages, undivided interests in other securities, undivided interests in pools or funds of mortgages.

POINT OF ORDER

Mr. TUMELTY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TUMELTY. What is the business of the House at the present time, Mr. Speaker.

The SPEAKER. The gentleman was given unanimous consent of the House to make a statement.

Mr. TUMELTY. Mr. Speaker, can the gentleman offer a resolution now that we are under third reading when he is given unanimous consent to make a statement?

The SPEAKER. A resolution can be filed with the Clerk at any time.

Mr. TUMELTY. Mr. Speaker, the gentleman is reading a resolution that he is offering.

The SPEAKER. The gentleman is out of order in doing so, and the Chair so rules.

Mr. OSTROFF. Mr. Speaker, I have been given unanimous consent of the House to make a statement, and I am making that statement.

The SPEAKER. The gentleman has no right to read a resolution under the rules governing consent to make a statement. The gentleman can make a statement, but any resolution to be considered by the House will be ruled out of order at this time.

Mr. OSTROFF. Mr. Speaker, I am not offering a resolution at this time. I intend to offer one at the conclusion of my remarks.

The SPEAKER. The gentleman will complete his remarks but will not read the resolution he expects to offer to the House.

Mr. OSTROFF. Mr. Speaker, I wish further that this House would ask the Department of Banking to prepare a report to be submitted to this House embodying such inclinations as is necessary for the proper consideration of the question which I have discussed, and that the Department of Banking submit with such report recommendations concerning this problem so that such funds can be intelligently invested, so that the funds of minors will not be imperiled as they have been in the past with questionable investments and participations which were shaky at the best.

RESOLUTION

Mr. OSTROFF offered a resolution which was filed with the Clerk under the Rules.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2119, entitled:

An Act making an appropriation to the Department of Welfare for the payment of claims charges court costs and other expenses against the Commonwealth for the erection and construction of a reservoir at the State Industrial Home for Women at Muncy Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,

Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Mallen,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Oredered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1563, entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henrietta E. Garrett deceased

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, this bill provides for an appropriation of fifty thousand dollars for attorneys' fees in the Henerietta E. Garrett estate. I opposed this bill in the Committee on Appropriations and I am still opposed to it on the ground that the amount to be appropriated is excessive. We have deputy attorney-generals who are employed by the Commonwealth at salaries ranging up to seventy-five hundred dollars a year who give almost their entire time to that work during the year. I understand that in the Garrett estate we are employing as high as three attorneys in Philadelphia and the Orphans Court has appointed two attorneys to sit with the master in the case to take testimony. The Orphans Court will have to pass upon the questions. In addition, there is a claim of escheat and there are attorneys representing those claimants whose interest is coincident with the Commonwealth's. It, therefore, seems to me that the amount of money which is here being expended is excessive. I think no one would be more willing than I to agree that an attorney is worthy of his hire and should be paid and adequate fee, but in comparison with other fees being paid by the Commonwealth and under the circumstances that exist, I think the appropriation is excessive and that the bill should be voted down.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, this bill, as the gentleman from Deleware has indicated, appropriates fifty thousand dollars, but not, as the gentleman has also indicated, solely for fees. It covers all the necessary expenses of experts, scientists, examiners, statisticians, clerks, stenographers and other assistants and employes, including telegraph and telephone charges and all other expenses and costs attending such litigation.

I might call the attention of the gentleman from Delaware to the fact that this litigation has been and will be in process before the court and masters for some time; there is no doubt that it will continue so to be. We all remember certain litigation resulting in connection with the Dorrance estate in which for fees alone the sum of fifty thousand dollars was expanded or paid by the Commonwealth for employment of one attorney. In this matter there are two counsel representing the Commonwealth.

This item could probably or possibly be appropriated to the Department of Justice, and it also could be appropriated to the Department of Revenue and embodied in the general appropriation bill. However, in this case we felt that all the expenses pertaining to the Garrett estate should appear in a special bill and as an individual item. The Attorney General did not feel that the expenses should be borne entirely by the Department of Justice, neither did the Department of Revenue feel that they should be borne in their entirety by the department. It is their thought that this appropriation should be carried as a separate and distinct item, payable to the Department of Revenue for the specific purpose of defraying expenses in the Garrett estate litigation.

The whereas clause indicates that there is some sixteen million dollars which may possibly escheat to the Commonwealth upon the successful termination of this litigation. It is not exorbitant by any means that fifty thousand dollars should be expended by the Commonwealth in an effort to protect its very vital interest in this litigation, and I ask the House to support this measure.

Mr. TURNER. Mr. Speaker and members of the House, I have just one correction to make about one part of the statement made by the gentleman from York. In the Dorrance estate, to which he referred, the fee of the attorney was contigent upon his winning the case. He got seventeen millions and received a fee, as I recall it, of fifty thousand dollars. If the gentleman make it a contingent fee in this case it might be a different proposition.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I might call attention to the fact that I happen to know the gentleman who represented the Commonwealth in that litigation very intimately, and he was sore at the Pinchot Administration because he did not think he got paid enough.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153

Achterman,	Falkenstein,	McArdle,	Sarraf,
Alexander,	Finnerty,	McCullough,	Scanlon,
Allen,	Fitch,	McDermott,	Schor,
Allmond,	Flanagan,	McElroy,	Schrope,
Arnold,	Flannery,	McFall,	Shaw,

Aukerman,	Flinchbaugh,	McGee,	Shea,
Baker, J. J.,	Ganser,	McShane,	Shepard,
Balthaser,	Gerard,	Melchiorre,	Shoemaker,
Bierly,	Gorski,	Mellott,	Shugarts,
Blank,	Haberlen,	Mihm,	Siegel,
Bohn,	Hagerty,	Moomaw,	Simon,
Boies,	Hamilton, F. P.,	Mooney,	Skale,
Boltz,	Harkins,	Moran,	Smith, James A.,
Bradley,	Harmuth,	Moul,	Smith, John A.,
Brancato,	Hays,	Munley,	Spengler,
Brigerman,	Hering,	Murrin,	Stank,
Broad,	Hess,	Nagel,	Thomas,
Brown,	Hetrick,	O'Brien,	Thompson,
Brownfield,	Hindman,	O'Connor,	Toole,
Burrows,	Hirsch,	O'Keefe,	Tronzo,
Caesar,	Holland,	Ominsky,	Tumelty,
Caputo,	Holmes,	O'Neill,	Valibus,
Chervenak,	Holstrom,	Ostroff,	VanSickle,
Coakley,	Hontz,	Patterson, C. S.,	Vogt,
Cohen, H. B.,	Horting,	Patterson, J. W.,	Wagner,
Cohen, R. E.,	Jirolanio,	Pearson,	Walsh,
Coleman,	Keenan,	Pershing,	Weiss, D. H.,
Coolahan,	Kelso,	Piole,	Weiss, S. A.,
Corrigan,	Kilroy,	Powers,	Welliver,
Costanzo,	Kroll,	Preston,	Welsh,
Decker,	LaRue,	Readinger,	Westrick,
DeNote,	Levy,	Reese,	Whalen,
Dickinson,	Lewis,	Reising,	Whitenight,
Donohoe,	Long,	Richter,	Wright,
Dougherty,	Lopresti,	Robinson,	Yanoshat,
Downey,	Lovett,	Rothenberger,	Yourishin,
Dubbs,	Marino,	Ruffennach,	Zappala,
Dyson,	Matthews, H. T.,	Rush,	Furman,

NAYS—53

Baker, F. T.,	Kane,	Schrock,	Trout,
Boose,	Kline,	Schumacher,	Turner,
Boyer,	Leisey,	Serrill,	VanAllsburg,
Cadwalader,	Longaker,	Simpson,	Wall,
Davies,	Lyons,	Sloan,	Wampole,
Eckels,	Matthews, J. F.,	Snyder,	Watkins,
Elpern,	McDevitt,	Sollenberger,	Webster,
Fiss,	McKinney,	Sproul,	Weidemann,
Gillette,	Merrell,	Stackpole,	Wilson,
Habbyshaw,	Muir,	Stewart,	Winner,
Hall,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Royer,	Terry,	Yeakel,
Imbrie,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1976, entitled:

An Act requiring registration of all aircraft and airmen using the civil airways and air navigation facilities within the Commonwealth providing for the application and requirements for registration and the issue of certificates naming the Secretary of Revenue as agent for service of process authorizing the adoption of regulations by and imposing duties upon the Department of Revenue and providing for fees exemptions penalties and the jurisdiction of the courts over violators

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. TURNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Aeronautics for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

Mr. TUMELTY. Mr. Speaker and members of the House, there was an understanding on this bill that there was to be a public hearing given to the people interested in the Senate. There was a group up here last evening. I took them over and introduced them to the Senator who is the Chairman of the Committee on Aeronautics and it was agreed to give them a public hearing over there. Whether this is a good bill or not, we cannot discuss under this motion. However, it is one of those bills that has to start something, and I believe we ought to pass it and send it over to the Senate and have the public hearing over there, because if we give them a public hearing in the House they will also want a public hearing over in the Senate. I suggest that we pass it now and let it go over to the Senate and let them present their case over there.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it,

Whereupon a division was called for, fifty-two members having voted in the affirmative and one hundred thirty-one members in the negative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, I regret deeply that the members of the House do not see their way clear to recommit this bill because I feel confident that if there had been a hearing on this bill there would have been no necessity to attempt to pass it.

In 1927, I think it was, I wrote the first Legislation in Pennsylvania on aeronautics, and in 1929 was created the first Aeronautics Code in Pennsylvania, and I think the most comprehensive code known in Pennsylvania and I think the most comprehensive code that had been enacted up to that time by any state. At that time we made provision for the licensing of airplanes and pilots because there was some question on intra-state flying, because intra-state flying applied to the stunters. This bill may seem to some members of the House as being a rather unimportant bill, but it is very important bill to a great number of men in this State who are interested in aviation.

As I said to you, under the Code of 1929, as I recall it, we provided for the licensing of airplanes and pilots because there was at that time quite a little barnstorming or stunt flying or circus flying in the State of Pennsylvania, which was purely intra-state flying. Under the provisions of that code we provided that a license from the Federal Department of Commerce was sufficient to secure a license in Pennsylvania. Perhaps the average member of this House does not know that the Federal Government, under the Department of Commerce, licenses airplanes and pilots, and because of the very character of the industry and of the sport, if you want to put it that way,—perhaps at the very use of a plane, intra-state flying is practically unknown. No man who wants to fly wants to be bound by the confines of the State of Pennsylvania. It is almost impossible at times to tell whether he is in one state or another, and therefore it becomes essential for him to have a Department of Commerce or Federal license. In 1933 or 1935, I have forgotten which exactly, the Aeronautics Committee of this House at the request of those interested in aviation, repealed this previous act requiring licensing in the State of Pennsylvania, under the very logical and proper un-

derstanding that licensing by the Federal Government was sufficient. Now, we are taking a step backward in this act; we are going back to the early stages when we thought it was necessary, and we are placing an undue and unfair burden upon the aviation industry which we should be encouraging. Up until 1931 or 1932 aviation had made great strides and it has made great strides since that time, but as an industry it needs every encouragement that we can possibly give it. The men who themselves fly these planes, the men who own them and are conducting flying for commercial purposes need every bit of encouragement that the Commonwealth of Pennsylvania can give them, and I am proud to say that Pennsylvania in the laws it has had is in the forefront in its assistance to aviation.

I can recall in 1929 I had the privilege of flying in the first air and rail transportation line that was instituted at that time, and I remember it was thought at that time that there would never be flying east of Columbus, Ohio because of the conditions existing in the Allegheny Mountains and the fact that those mountains were known as the graveyard of aviation, and yet through the impetus of our laws of Pennsylvania, through the impetus of the interest that we had created in Pennsylvania, through the fact that we had appropriated money to be expended in the ways of airways and navigation facilities, through the cooperation of the Federal government it was only a couple of years until air roads were established across Pennsylvania, and you can fly through from California to Camden Airport outside of Philadelphia or to Newark outside of New York. Now, if we are going to take a step backward in this State; if the State of Pennsylvania is going to require the pilot of every plane to be licensed in Pennsylvania, while the actual money burden is not very great, it does impose a burden on the industry that it is unnecessary to impose on those who are engaged in flying. In addition to that under this bill it is required that the licenses have begun by the Department of Revenue. It will require the establishment of an additional bureau in the Department of Revenue for the licensing of airplanes and pilots. What is the sense, what is the reason, what is the justification for our now passing an act to duplicate a service which the Federal government supplies, and which is absolutely necessary for the operation of this industry? Therefore I had hoped that this bill would be returned to the committtee with the expectation of those who are interested,—because there are some twelve or sixteen hundred pilots in Pennsylvania who will be interested, there are some commercial lines that are interested, there are some sportsmen's clubs that are interested,—all of these groups are interested in the passage of this bill, and they sought to gain a hearing in the House. They did not obtain a hearing in the House and now the statement is made that we should pass the bill and let it go to the Senate.

I am one of those who are willing in my small way to contribute something to the expansion of an industry that I think in a few years will take its place among the important industries, that once we are out of this depression, once we have set our course toward the future, this is an industry that will expand so rapidly that the development of the automobile industry will seem insignificant by comparison with the advances made by aviation. The men who are in this industry, the men who fly these planes, deserve every bit of credit that we can give to them. They are the pioneers. Many of them have risked their lives in planes that were antiquated many of them have risked their lives in order to make experiments, many of them have given of their time and money unselfishly. I know from contact with these men that they are giving of their time and money unselfishly to the development of a great industry and in order that the people of Pennsylvania may have the advantage of aviation, but not only from that view point, but also through looking at it in a broader sense, that it is a defense measure and will keep America abreast of the times in the air, and they believe that through their expenditure of their time and their money, their contribution to what may come in the future may serve their country and that in time of need America may not be found wanting. I hope the time will never come that America will have to defend its shores.

In the passage of this bill therefore you are striking at the men in this industry when they unanimously protest, when they come here and say, "Do not place this additional burden upon us." I do not think we should say to them, "Go to the Senate and take a chance on what they will do," but I think that we here in this House should answer their request and grant them a hearing. If there were no licensing by the Federal government, and if there were no requirement that these airplanes and pilots should be licensed by the Department of Revenue I would not raise my voice here, but I believe protection for the public and protection for the individual who wants to fly from point to point should be given, but as long as we do have adequate service and as long as the Federal Department of Commerce has adequate facilities for licensing these airplanes and pilots there is absolutely no reason for this legislation unless there is hope in the mind of some individual that he can build up some department for his own aggrandizement at some time in the future in licensing airplanes and pilots.

In this case I will depart from my usual request. I do not ask you to vote "no" but I plead with you men that you do not understand how far this will go. I plead with you to not take a backward step, but to keep Pennsylvania in the forefront of aviation.

Mr. BOIES. Mr. Speaker and members of the House, I hope that the gentleman from Delaware will not think that I am looking for any self aggrandizement or to promote myself as the founder of a bureau for licensing air pilots and aircraft in this State, because I happen to be one of those aviation enthusiasts who likes to read about it and not do any flying.

I think the gentleman is unduly perturbed as to the effect upon the industry of this bill. The license fee, as I understood the bill,—and I admit that I did not write the bill or have anything to do with the writing of it,—is $2.00 for an airman and five cents for each horsepower or fractional part thereof for the aircraft.

Now, I submit to you members of the House, that that is hardly an unbearable burden upon any industry which pretends to be an industry, and I will also say that although the remarks of the gentleman might have been applicable years ago in the automobile industry in this State or any other state, I do not think they are applicable today. As I say I am not an authority on

aviation, but those who are authorities on aviation, some of them seem to think that within the next ten years the strides of the industry will be far beyond anything that we can now comprehend, and if so, now is the time for this Commonwealth to establish a system of licensure and a system of protection for the public.

I therefore ask, in view of these facts, that the membership vote "aye" on this bill.

Mr. TURNER. Mr. Speaker, the gentleman could not have better voiced the opinions which I held in 1927 and 1929. We were in the period of the beginning of a great industry, and like the automobile, though it would have to be licensed. The gentleman said that his interest is not as a flyer or as one engaged in the industry but as one who reads about it.

My contact with the industry during the period following the beginning of our law in Pennsylvania, however, led me to believe that it was wise to give up the licensing of the airplane and the pilot in Pennsylvania. The gentleman would be perfectly correct, as I said before, were it not that the Federal government is already licensing airplanes and pilots. No pilot is going to be confined to the Commonwealth of Pennsylvania, and while the amount involved in dollars and cents is not very great, as he said, at the same time it is an added tax in the first instance, and in the second instance it places a dual burden upon the industry to secure the licenses. The Federal government is adequately covering the field. The Federal government requires the licensing of planes and pilots. No plane and no pilot would be content with a purely State license. By the very nature of things his horizon, his scope is so wide that he must have a Federal license. It therefore has no justification, and even if the expense is twenty-five cents or fifty cents, the question is not the amount of expense, but the question is whether government should enter into regulations, that we have so much regulation; we have no right, no justification to seize upon the regulation by the government unless there is a fundamentally sound reason why regulation is necessary. Regulation is not necessary here, and therefore we should defeat this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—79

Allmond,	Dubbs,	McShane,	Sarraf,
Aukerman,	Elpern,	Melchiorre,	Scanlon,
Baine,	Finnerty,	Moomaw,	Shaw,
Blank,	Fitch,	Mooney,	Shea,
Boies,	Flanagan,	Moran,	Skale,
Bradley,	Flannery,	Moul,	Smith, James A.,
Broad,	Gerard,	Munley,	Spengler,
Brown,	Harkins,	Murrin,	Stank,
Brownfield,	Harmuth,	Ominsky,	Thompson,
Caputo,	Holmes,	O'Neill,	Toole,
Cohen, H. B.,	Hontz,	Ostroff,	Tumelty,
Cohen, R. E.,	Keenan,	Patterson, J. W.,	VanSickle,
Coleman,	Kelso,	Pearson,	Vogt,
Coolahan,	Levy,	Pershing,	Wagner,
Corrigan,	Lewis,	Powers,	Weiss, D. H.,
Costanzo,	Long,	Preston,	Welsh,
DeNote,	McArdle,	Reese,	Wright,
Dickinson,	McElroy,	Reising,	Zappala,
Dougherty,	McFall,	Robinson,	Furman,
Downey,	McGee,	Ruffennach,	

NAYS—71

Baker, F. T.,	Horting,	Patterson, C. S.,	Thomas,
Baker, J. J.,	Imbrie,	Perry,	Trout,
Bohn,	Kane,	Readinger,	Turner,
Boose,	Kilroy,	Rothenberger,	Vallbus,
Cadwalader,	Kline,	Schrock,	VanAllsburg,
Dyson,	LaRue,	Schumacher,	Wall,
Eckels,	Leisey,	Serrill,	Wampole,
Falkenstein,	Longaker,	Siegel,	Watkins,
Ganser,	Lopresti,	Simon,	Webster,
Gorski,	Lovett,	Simpson,	Weidemann,
Habbyshaw,	Lyons,	Smith, John A.,	Weiss, S. A.,
Hall,	McCullough,	Sollenberger,	Westrick,
Hamilton, R. S.,	McKinney,	Sproul,	Wilson,
Hays,	Mellott,	Stackpole,	Winner,
Hess,	Merrell,	Stewart,	Wood,
Hindman,	Muir,	Stockham,	Woodside,
Holland,	O'Connor,	Strode,	Yanoshat,
			Yeakel,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1566, entitled:

An Act making an appropriation to the Department of Welfare for the purchase of materials to be used in making articles required at the State institutions in connection with sewing projects established in Pennsylvania by he Federal Works Progress Adminisration.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 191

Achterman,	Finnerty,	Marino,	Schor,
Alexander,	Fiss,	Matthews, H. T.,	Schrock,
Allen,	Fitch	Matthews, J. F.,	Schrope,
Allmond,	Flanagan,	McArdle,	Schumacher,
Arnold,	Flannery,	McCullough,	Serrill,
Atkins,	Flinchbaugh,	McDermott,	Shaw,
Aukerman,	Ganser,	McDevitt,	Shea,
Baine,	Gillette,	McElroy,	Shepard,
Baker, F. T.,	Gillette,	McFall,	Shoemaker,
Baker, J. J.,	Gorski,	McGee,	Shugarts,
Balthaser	Habbyshaw,	McKinney,	Siegel,
Bierly,	Haberlen,	McShane,	Simon,
Blank,	Hagerty,	Melchiorre,	Simpson,
Bohn,	Hall,	Mellott,	Skale,
Boies,	Hamilton, F. P.,	Mihm,	Sloan,
Boltz,	Hamilton, R. S.,	Moomaw,	Smith, James A.,
Boose,	Harkins,	Mooney,	Smith, John A.,
Boyer,	Harmuth,	Moran,	Snyder,
Bradley,	Hays,	Moul,	Spengler,
Brancato,	Hering,	Munley,	Stank,
Brigerman,	Hess,	Murrin,	Stewart,
Broad,	Hetrick,	O'Brien,	Terry,
Brown,	Hindman,	O'Connor,	Thomas,
Brownfield,	Hirsch,	O'Keefe,	Thompson
Burrows,	Holland,	Ominsky,	Toole,
Cadwalader,	Holmes,	O'Neill,	Tronzo,
Caesar,	Holstrom,	Ostroff,	Tumelty,
Caputo,	Hontz,	Patterson, C. S.,	Turner,
Chervenak,	Horting,	Patterson, J. W.,	Vallbus,
Coakley,	Huntley,	Peale,	VanSickle,
Cohen, H. B.,	Imbrie,	Pearson,	Vogt,
Cohen, R. E.,	Jirolanio,	Perry,	Wagner,
Coleman,	Kane,	Pershing,	Walsh,
Coolahan,	Keenan,	Piole,	Wampole,
Corrigan,	Kelso,	Powers,	Weiss, D. H.,
Costanzo,	Kilroy,	Preston,	Weiss, S. A.,
Davies,	Kline,	Readinger,	Welliver,
DeNote,	Kroll,	Reese,	Welsh,
Dickinson,	LaRue,	Reising,	Whalen,
Donohoe,	Leisey,	Richter,	Whitenight,
Dougherty,	Levy,	Robinson,	Wood,
Downey,	Lewis,	Rothenberger,	Woodside,
Dubbs,	Long,	Royer,	Wright,
Dyson,	Longaker,	Ruffennach,	Yanoshat,
Eckels,	Lopresti,	Rush,	Yeakel,
Elpern,	Lovett,	Sarraf,	Yourishin,
Falkenstein,	Lyons,	Scanlon,	Furman,

NAYS—15

Merrell,	Stackpole,	VanAllsburg,	Weidemann,
Muir,	Stockham,	Wall,	Wilson,
Sollenberger,	Strode,	Watkins,	Winner,
Sproul,	Trout,	Webster,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1147, entitled:

An Act making appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2136, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring medical inspectors to make eye and ear tests annually, providing for the use of scientific apparatus furnished by school districts and providing for certain instruction in State teachers' colleges for the appointment of certain experts in the Department of Public Instruction and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shugarts,
Alexander,	Flannery,	McElroy,	Siegel,
Allen,	Flinchbaugh,	McFall,	Simon,
Allmond,	Ganser,	McGee,	Simpson,
Arnold,	Gerard,	McKinney,	Skale,
Atkins,	Gillette,	McShane,	Sloan,
Aukerman,	Gorski,	Melchiorre,	Smith, James A.,
Baine,	Haberlen,	Mellott,	Smith, John A.,
Baker, J. J.,	Hagerty,	Mihm,	Snyder,
Balthaser,	Hall,	Moomaw,	Sollenberger,
Bierly,	Hamilton, F. P.,	Mooney,	Spengler,
Blank,	Hamilton, R. S.,	Moran,	Stackpole,
Bohn,	Harkins,	Moul,	Stank,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Patterson, J. W.,	Valibus,
Cadwalader,	Horting,	Peale,	VanSickle,
Caesar,	Huntley,	Pearson,	Vogt,
Caputo,	Imbrie,	Perry,	Wagner,
Chervenak,	Jirolanio,	Pershing,	Wall,
Coakley,	Kane,	Piole,	Walsh,
Cohen, H. B.,	Keenan,	Powers,	Wampole,
Cohen, R. E.,	Kelso,	Preston,	Watkins,
Coleman,	Kilroy,	Readinger,	Webster,
Coolahan,	Kline,	Reese,	Weidemann,
Corrigan,	Kroll,	Reising,	Weiss, D. H.,
Costanzo,	LaRue,	Richter,	Weiss, S. A.,
Davies,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Whitenight,
Downey,	Lopresti,	Sarraf,	Wilson,
Dubbs,	Lovett,	Scanlon,	Winner,
Dyson,	Lyons,	Schor,	Wright,
Eckels,	Marino,	Schrope,	Yanoshat,
Elpern,	Matthews, H. T.,	Schumacher,	Yeakel,
Falkenstein,	Matthews, J. F.,	Shaw,	Yourishin,
Finnerty,	McArdle,	Shea,	Zappala,
Fiss,	McCullough,	Shepard,	Furman,
Fitch,	McDermott,	Shoemaker,	

NAYS—10

Baker, F. T.,	Muir,	Sproul,	Wood,
Habbyshaw,	Schrock,	Stewart,	Woodside,
Merrell,	Serrill,	VanAllsburg,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2261, as follows:

An Act empowering cities of the third class and townships of the first class to liquidate certain indebtedness of volunteer fire companies incurred for the purchase of fire engines or fire apparatus

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever in any city of the third class or township of the first class any volunteer fire company shall heretofore have purchased any fire engine or fire apparatus and shall have incurred indebtedness for such purchase and is employing such fire engine or apparatus for fire protection purposes for the benefit of the city or township and the inhabitants thereof then in such cases the city or township shall have power to appropriate and pay money out of the treasury of the city or township for the purpose of liquidating the indebtedness of the fire company so incurred or any part thereof in such manner as the ouncil of the city or the commissioners of the township may determine Provided however That no such city or township shall agree to pay such indebtedness so incurred or any part thereof unless the fire company shall first have agreed to transfer to the city or township title to such fire engine or fire apparatus upon the liquidation of said indebtedness

Section 2 This act shall become effective immediately upon its final enactment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. Mr. Speaker, wasn't this bill amended today.

The SPEAKER. This bill was amended yesterday.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Tool,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1633, entitled:

An Act relating to the recovery of taxes against a registered owner by mortgagees.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,

Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Vallbus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. S.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1636, entitled:

An Act to amend section six hundred one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1001) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft and extending certain penalties to owners of aircraft

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. Mr. Speaker, I understand that we are now on House Bill No. 1636.

The SPEAKER. That is correct.

Mr. TURNER. My understanding was, Mr. Speaker, that the gentleman from Philadelphia, Mr. Shepard, placed this bill on the postponed calendar.

The SPEAKER. That is correct, after which he moved to reconsider the vote by which it was placed on the postponed calendar which motion was agreed to.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shepard.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEPARD. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether he will not place this bill on the postponed calendar, in view of the fact that it deals with the same subject as No. 373, and No. 373, in my humble opinion, if I may say to the gentleman from Philadelphia, is a far better bill than 1636. No. 373 has been passed by this House, and deals with municipal authorities. It is a Senate bill, and therefore it would seem to me there is nothing to be gained by passing 1636 at this time.

Mr. SHEPARD. Mr. Speaker, I might say in reply to the gentleman from Delaware that if he will read that bill he will find that this is an entirely different bill that it deals with alcoholic beverages and intoxicated persons up in airplanes, and if he will come down out of the air and read this bill he will find that to be true.

Mr. TURNER. Mr. Speaker, I apologize to the gentleman from Philadelphia. I have no objections to the bill.

Mr. Speaker, I am sorry to place the Chair in this position, but may I again interrogate the gentleman from Philadelphia, Mr. Shepard?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEPARD. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, on page 3 of the bill, if the gentleman will get the bill, Printer's No. 890, possibly I have difficulty in remembering what is in the bill—on page 3 of the bill, section (g) it says: "To operate or navigate any aircraft within this Commonewalth unless such aircraft has been licensed and registered in accordance with the provisions of this act and unless the operator thereof has been licensed in accordance with the provisions of this act. Provided further That the owner of any aircraft operated in violation of any of the provisions of this act shall also be subject to the penalties provided in this section."

We have just defeated a bill which provided for the licensing of aircraft and pilots. I am in perfect accord with the gentleman in his provision as to the penalty for carrying passengers who are under the influence of narcotics or intoxicating liquor, but section (g), it seems to me, is entirely in conflict with the actions of this House. I therefore ask the gentleman from Philadelphia whether he will not place this bill upon the postponed calendar until we can straighten out the bill.

Mr. SHEPARD. Mr. Speaker and members of the House, I would again ask the gentleman to come down out of the air and not be quite so air-minded, and read

the bill, and I do not discover that the bill provides for licensing under the Federal bureau and not the State bureau.

Mr. TURNER. Mr. Speaker, may I ask the gentleman where I can find that.

Mr. SHEPARD. Mr. Speaker, the gentleman will find that on page 3, section (b).

Mr. TURNER. Mr. Speaker, maybe I am a little bit in the air, but I think the gentleman from Philadelphia will have to get his feet off the ground. Under section (b) it says: "To operate or navigate aircraft while in possession of any Federal license or to display or cause or permit to be displayed such license knowing the same to have been cancelled revoked suspended or altered." That does not say that the Federal license is permissive. It says that "it shall be unlawful for any persons to commit any of the following acts"—it's worse than I thought it was. This says that it is an offense to have a Federal license. How can you do that?

Mr. SHEPARD. Mr. Speaker, how can you do what?

Mr. TURNER. Mr. Speaker, how are you going to prohibit anybody from operating—

QUESTION OF PARLIAMENTARY INQUIRY

Mr. JAMES W. PATTERSON. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. JAMES W. PATTERSON. Mr. Speaker, who is interrogating whom?

The SPEAKER. The Chair is unable to determine and reserves his decision.

Mr. SHEPARD. Mr. Speaker, it is pretty hard to tell, when you are dealing with intoxicating liquors and air-minded people, all in the same bill.

Mr. TURNER. Mr. Speaker, I might say that I admit that I might know something about intoxicating liquors, but nothing about air-minded people.

Mr. SHEPARD. Mr. Speaker, if the gentleman will turn to page 2, under section 601 he will see that it is provided there for Federal license.

Mr. TURNER. No, but it says section No. 601, let me read it to you, and to Mr. Cohen also: "It shall be unlawful for any person to commit any of the following acts"—and the first one deals with the subject of intoxicating liquor. The second one says, "It shall be unlawful to operate or navigate aircraft while in possession of any Federal license or to display or cause or permit to be displayed such license knowing the same to have been cancelled, revoked, suspended or altered." That second part is all right, but it does not say that you have got to have a Federal license at all in Pennsylvania. That says simply that it is a crime to have one.

Mr. SHEPARD. Mr. Speaker, I yield to my counsel, Mr. Cohen.

The SPEAKER. The gentleman from Philadelphia yields to his counsel, Mr. Cohen. The Chair recognizes his counsel, Mr. Cohen. The Chair recognizes the gentleman from Delaware, Mr. Turner.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York to yield a moment if he cannot do any better in direct examination than he did as an assistant in the examination. He won't get very far.

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the interrogation of the gentleman from Delaware I wish to call to his attention the fact that this deals with section 601 of the act. By inference the gentleman from Delaware should be able to determine that this act in its entirety has more than one section, and the provisions relevant to obtaining a Federal license in order to fly aircraft is contained in the sections that are not printed, since this act only amends section 601, as the gentleman from Delaware well knows, it is not necessary to print the act in its entirety, and those sections relative to pilots and aircraft and relative to licenses from the Federal government are not printed in the bill. This bill only amends section 601, which sets up some of the penalties for violation of the act. These provisions relative to Federal aircraft license which he objects to in section (b) can be seen in other sections of the act not here imprinted. Does that answer the question of the gentleman from Delaware on direct examination and on cross examination?

Mr. TURNER. While I think that the explanation of the gentleman from York is, as always, very plausible, it does have this amendment to section 601: "To operate or navigate any aircraft within this Commonwealth unless such aircraft has been licensed and registered according with the provisions of this act." Now, I am unable to tell from the details of this act whether the gentleman is amending the act of 1933, and whether under that it is the old provision by which airplanes and pilots were licensed in Pennsylvania, or whether it is the act which provides that airplanes and pilots shall not have to be licensed in Pennsylvania. So again I say that I would ask that the bill be placed upon the postponed calendar and give us a chance until tomorrow morning to determine the facts. I have no desire to delay the bill, in which the gentleman from Philadelphia is so much interested. It has some perfectly good provisions in it, and I am in accord with them, but I do want to protect this question of licensing.

Mr. HERBERT B. COHEN. Mr. Speaker, I see no reason why this bill should be placed upon the postponed calendar. I would readily agree to having this bill go over in its order pending an opportunity on the part of the gentleman from Delaware to read in its entirety the act of the 25th day of May, 1933. If I remember correctly, in that session the gentleman from Delaware was quite instrumental in passing that act, and I dare say that since he is such a student of aircraft, he should have known that act in toto and by heart. However, I will ask that this bill be passed over until the gentleman from Delaware has an opportunity to read the pamphlet laws of that particular session.

The SPEAKER. The Chair hears no objection and the bill will be passed over. It has passed third reading and will appear on the final passage calendar tomorrow unless called up today.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 756, entitled:

An Act to amend section one of the act approved the thirteenth day of June one thousand eight hundred and eighty three (Pamphlet Laws 89) entitled "An act granting authority to the Courts of Common Pleas in the several

counties of this Commonwealth to issue writs of estrepement to stay waste upon lands sold for taxes during the time provided for redemption" by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs sales under tax or municipal claims.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Ganser,	McKinney,	Simon,
Alexander,	Gerard,	McShane,	Simpson,
Allen,	Gillette,	Melchiorre,	Skale,
Allmond,	Gorski,	Mellott,	Sloan,
Arnold,	Habbyshaw,	Merrell,	Smith, James A.,
Atkins,	Haberlen,	Mihm,	Smith, John A.,
Aukerman,	Hagerty,	Moomaw,	Snyder,
Baine,	Hall,	Mooney,	Sollenberger,
Baker, F. T.,	Hamilton, F. P.,	Moran,	Spengler,
Baker, J. J.,	Hamilton, R. S.,	Moul,	Sproul,
Balthaser	Harkins,	Muir,	Stackpole,
Bierly,	Harmuth,	Munley,	Stank,
Blank,	Hays,	Murrin,	Stewart,
Bohn,	Hering,	Nagel,	Stockham,
Boies,	Hess,	O'Brien,	Strode,
Boltz,	Hetrick,	O'Connor,	Terry,
Boose,	Hindman,	O'Keefe,	Thomas,
Boyer,	Hirsch,	Ominsky,	Thompson,
Bradley,	Holland,	O'Neill,	Toole,
Brancato,	Holmes,	Ostroff,	Tronzo,
Brigerman,	Holstrom,	Patterson, C. S.,	Trout,
Broad,	Hontz,	Patterson, J. W.,	Tumelty,
Brown,	Horting,	Peale,	Turner,
Brownfield,	Huntley,	Pearson,	Valibus,
Burrows,	Imbrie,	Perry,	VanAllsburg,
Cadwalader,	Jirolanio,	Pershing,	VanSickle,
Caesar,	Kane,	Piole,	Vogt,
Caputo,	Keenan,	Powers,	Wagner,
Chervenak,	Kelso,	Preston,	Wall,
Coakley,	Kilroy,	Readinger,	Walsh,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Cohen, R. E.,	Kroll,	Reising,	Watkins,
Coolahan,	LaRue,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
DeNote,	Long,	Ruffennach,	Welliver,
Dickinson,	Longaker,	Rush,	Welsh,
Donohoe,	Lopresti,	Sarraf,	Westrick,
Dougherty,	Lovett,	Scanlon,	Whalen,
Downey,	Lyons,	Schor,	Whitenight,
Dubbs,	Marino,	Schrock,	Wilson,
Dyson,	Matthews, H. T.,	Schrope,	Winner,
Eckels,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Woodside,
Falkenstein,	McCullough,	Shaw,	Wright,
Finnerty,	McDermott,	Shea,	Yanoshat,
Fiss,	McDevitt,	Shepard,	Yeakel,
Fitch,	McElroy,	Shoemaker,	Yourishin,
Flanagan,	McFall,	Shugarts,	Zappala,
Flannery,	McGee,	Siegel,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1983, entitled:

An Act making an appropriation to the Department of Health to carry on the work of sealing abandoned coal mine openings

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1434, entitled:

An Act making a deficiency appropriation to the Department of Agriculture for reimbursing certain incorporated agricultural associations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 362, entitled:

An Act making an appropriation to the Woman's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hess,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 611, entitled:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, R. S.,	Moul,	Sproul,

Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2205, (Senate Bill No. 894), entitled:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational and park purposes.

On the question,

Will the House agree to the bill on third reading?

Mr. LaRUE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 6, line 18 of the preamble, by striking out after the word "lake" and before the word "(except" the following: "'between the low water marks)"

Amend page 8, line 5 of the preamble, by striking out at the beginning of the line the word: "northwest" and inserting in lieu thereof the word: "southeast"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2120, (Senate Bill No. 99), entitled:

An Act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May, one thousand nine hundred and fifteen (P. L. 543) entitled, as amended, "An act relating to the sale of goods and choses in action," by providing for the negotiation of documents of title.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T	Hall,	Moran,	Spengler,
Baker, J. J	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1577, (Senate Bill No. 421), entitled:

An Act to validate indebtedness incurred by cities of the third class for the extension enlargement and improvement of the water-works of such city

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Vallbus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2038, entitled:

An Act to further amend the second paragraph of section one of article one of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" by providing that the mayor shall receive no compensation other than his salary for acting as justice of the peace

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Vallbus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shugarts,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1163, entitled:

An Act to amend section two thousand five hundred and fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended providing for the sharing by the city county and school district of the one-third each of the cost of purchase maintenance and repair of supplies and equipment needed by the tax collector

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann.
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy.	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,	Siegel,	Zappala,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1832, entitled:

An Act to amend section three of the act approved the eighteenth day of April one thousand nine hundred and nineteen (P. L. 70) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn" by providing for the admission of evidence of the protest of non-payment of checks drafts and orders

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Haberlen,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1858, entitled:

An Act to amend section two thousand five hundred fifty-three as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class and regulating the premiums thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Boyer,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2214, (Senate Bill No. 1021), entitled:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, James A.,
Atkins,	Habbyshaw,	Mihm,	Smith, John A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hagerty,	Moran,	Spengler,
Baker, F. T.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2248, (Senate Bill No. 945), entitled:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth; requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate, or copy thereof to the City Council, the Mayor and the City Controller; making it the duty of the Council to appropriate and provide the sum so estimated to be required and repealing inconsistent legislation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Smith, James A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancatc	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsbur
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McDevitt,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2249, (Senate Bill No. 946), entitled:

An Act to amend section two of an act approved the sixteenth day of May, one thousand nine hundred and twenty-nine, (Pamphlet Laws seventeen hundred and seventy-three) entitled "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale" by eliminating the requirements that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein, shall be deposited in the funds of such corporations for the redemption of bonds of said corporation, when the said bonds issued for the acquisition of such property or bonds refunding such original issue, shall have been redeemed and paid.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Smith, James A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boles,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1769, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriff county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

Mr. ROBINSON. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1769

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1769, Messrs. O'Keefe, Coleman and Habbyshaw.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGES

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 228

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 228, entitled:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties

And has appointed Messrs. Reed, Heyburn and Wolfenden a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 916

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 913, entitled:

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (P. L. 1025) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184), entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

And has appointed Messrs. Shapiro, Pytko and Dietrick a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1157

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1157, entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats electrically propelled and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

And has appointed Messrs. Gilson, Ruth and Buckman a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 915.

An Act authorizing the Department of Public Instruction to fix the annual expiration date for licenses and registration certificates for professions trades and occupations.

HOUSE BILL No. 1358.

An Act abolishing the Municipal Court of Philadelphia and transferring actions books records documents and papers in the possession of said court to other courts of the County of Philadelphia

With the information that the Senate has passed the same without amendment.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1159.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 18, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1159, Printer's No. 731, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL AND MESSAGE LAID ON TABLE

Mr. SPENGLER. Mr. Speaker, I move that the bill together with the message from the Governor be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 638.

An Act to further amend section four of the act, approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools; and providing for the transportation of pupils to and from consolidated schools," by making certain changes in the provisions for reimbursements by the Commonwealth.

BILL AND MESSAGE LAID ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the bill together with the message be laid upon the table.

The motion was agreed to.

BILL ON THIRD READING

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order, House Bill No. 1636, Printer's No. 890, on page 21 of today's calendar, bill on third reading which was passed over.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I desire to offer my apologies to the House. The bill is all right as it stands.

Mr. SHEPARD. Mr. Speaker, I wish to say that the sponsor accepts the gentleman's apology.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McKinney,	Simon,
Alexander,	Ganser,	McShane,	Simpson,
Allen,	Gerard,	Melchiorre,	Skale,
Allmond,	Gillette,	Mellott,	Sloan,
Arnold,	Gorski,	Merrell,	Smith, John A.,
Atkins,	Habbyshaw,	Mihm,	Smith, James A.,
Aukerman,	Haberlen,	Moomaw,	Snyder,
Baine,	Hagerty,	Mooney,	Sollenberger,
Baker, F. T.,	Hall,	Moran,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moul,	Sproul,
Balthaser,	Hamilton, R. S.,	Muir,	Stackpole,
Bierly,	Harkins,	Munley,	Stank,
Blank,	Harmuth,	Murrin,	Stewart,
Bohn,	Hays,	Nagel,	Stockham,
Boies,	Hering,	O'Brien,	Strode,
Boltz,	Hess,	O'Connor,	Terry,
Boose,	Hetrick,	O'Keefe,	Thomas,
Boyer,	Hindman,	Ominsky,	Thompson,
Bradley,	Hirsch,	O'Neill,	Toole,
Brancato,	Holland,	Ostroff,	Tronzo,
Brigerman,	Holmes,	Patterson, C. S.,	Trout,
Broad,	Holstrom,	Patterson, J. W.,	Tumelty,
Brown,	Hontz,	Peale,	Turner,
Brownfield,	Horting,	Pearson,	Valibus,
Burrows,	Huntley,	Perry,	VanAllsburg,
Cadwalader,	Imbrie,	Pershing,	VanSickle,
Caesar,	Jirolanio,	Piole,	Vogt,
Caputo,	Kane,	Powers,	Wagner,
Chervenak,	Keenan,	Preston,	Wall,
Coakley,	Kelso,	Readinger,	Walsh,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Cohen, R. E.,	Kline,	Reising,	Watkins,
Coleman,	Kroll,	Richter,	Webster,
Coolahan,	Leisey,	Robinson,	Weidemann,
Corrigan,	LaRue,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, H. T.,	Schumacher,	Wood,
Eckels,	Matthews, J. F.,	Serrill,	Woodside,
Elpern,	McArdle,	Shaw,	Wright,
Falkenstein,	McCullough,	Shea,	Yanoshat,
Finnerty,	McDermott,	Shepard,	Yeakel,
Fiss,	McDevitt,	Shoemaker,	Yourishin,
Fitch,	McElroy,	Shugarts,	Zappala,
Flanagan,	McFall,	Siegel,	Furman,
Flannery,	McGee,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 810.

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing certain provisions relating to the borrowing of moneys for the acquiring and rebuilding of certain bridges and for the purchase and improvement or construction of public highways bridges tunnels subways and underground roads

SENATE BILL No. 1005.

An Act to amend section one of the act approved the thirteenth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 503)

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 166. (HOUSE BILL No. 2366).

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Referred to the Committee on Appropriations.

SENATE BILL No. 365. (HOUSE BILL No. 2367).

An Act to further amend the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and repealing inconsistent acts

Referred to the Committee on Mines and Mining.

SENATE BILL No. 485. (HOUSE BILL No. 2368).

An Act to re-enact and amend the act approved the seventh day of June one thousand eight hundred and eighty-seven (P. L. 365) entitled "An act to encourage and authorize the formation of cooperative associations productive and distributive by farmers mechanics laborers or other persons" by extending and changing the provisions thereof.

Referred to the Committee on Corporations.

SENATE BILL No. 514. (HOUSE BILL No. 2369).

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 758. (HOUSE BILL No. 2370).

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by further requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility and further regulating insurance policies which may be accepted as proof of financial responsibility imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth providing for the payment of judgments in installments prescribing additional penalties and adding new sections.

Referred to the Committee on Motor Vehicles.

SENATE BILL No. 769. (HOUSE BILL No. 2371).

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred fourteen), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

Referred to the Committee on State Government.

SENATE BILL No. 770. (HOUSE BILL No. 2372).

An Act to re-enact and amend the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1046) entitled "An act appropriating the moneys in the Motor License Fund" as amended by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

Referred to the Committee on Appropriations.

SENATE BILL No. 782. (HOUSE BILL No. 2373).

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administration departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by consolidating the Pennsylvania State Police and the State Highway Patrol and their powers and duties into one agency to be known as the Pennsylvania Motor Police and establishing as part of such agency a Motor Police Force and making provision for the number selection qualifications promotions training and discipline of the members of such force.

Referred to the Committee on State Government.

SENATE BILL No. 784. (HOUSE BILL No. 2374).

An Act to amend the act approved the eighteenth day of

July one thousand nine hundred thirty-five (P. L. 1314) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police and providing for the payment into the Motor License Fund of moneys received or collected under the act.

Referred to the Committee on State Government.

SENATE BILL No. 877. (HOUSE BILL No. 2375).

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and for all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare.

Referred to the Committee on Welfare.

SENATE BILL No. 886. (HOUSE BILL No. 2376).

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (P. L. 450) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State police and the enforcement of its orders and prescribing penalties" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Referred to the Committee on State Government.

SENATE BILL No. 887. (HOUSE BILL No. 2377).

An Act to further amend sections two four and six and to amend section seven of the act approved the seventh day of May one thousand nine hundred twenty-three (P. L. 151) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Mr. OSTROFF. RESOLUTION No. 89.

In the House of Representatives, May 18, 1937.

Whereas, the questions of proper investments for funds held in a fiduciary capacity, viz., funds held by trustees, executors, administrators, guardians, and other fiduciaries (hereinafter referred to as "trust funds"), and the regulation of corporate institutions in making such investments, are questions of grave consequence to the citizens of this Commonwealth, including in particular widows, orphans, and others dependent for their support upon income derived from trust funds; and

Whereas, for many years it has been the practice of many banks and trust companies and trust companies, as well as individual fiduciaries, in this Commonwealth to invest trust funds in their control in participations in mortgages held by such institutions as trustees or otherwise; and

Whereas, for many years it has been the practice of such institutions and individual fiduciaries to invest trust funds in their control in participations in pools or funds of mortgages held by such institutions as trustees or otherwise; and

Whereas, at the present time trust funds in this Commonwealth are invested in participations in mortgages to the extent of approximately $217,000,000 and in pools or funds thereof in the additional amount of approximately $198,000,000 as of November 6, 1936; and

Whereas, there are now pending before the House of Representatives several bills respecting such investments, reaching diametrically opposite results, for example, one bill prohibiting entirely all investments of trust moneys in participations in pools or funds of mortgages, and another bill, continuing the authorization to make such investments, but setting up an intricate and complicated system of regulation of bank and trust companies and trust companies in the making of such investments; and

Whereas, there is no unanimity of opinion upon this important question among those interested in the broad question of authorized investments of trust funds, clashing views in respect to which have been expressed within the past several weeks; and

Whereas, it has not been established conclusively whether the past abuses involving such investments, particularly losses caused thereby and delays in distributions of cash to those entitled thereto, have resulted from innate weaknesses in such securities as trust investments, from lack of, or improper statutory regulation of such investments, or from conditions incident to the recent serious depression in real estate values, or from any combination of such causes; and

Whereas, it has been submitted that prohibition of investment of trust funds in participations in mortgages and in pools or funds thereof would detrimentally affect the proper handling of trust funds, resulting in a diminution of income to those dependent thereupon, and would seriously affect the financing of real estate constructions, both residential and commercial; and

Whereas, it is of vital importance that this House have full knowledge of the facts and conditions with reference to such investments before any measures are enacted either for the further regulation of such investments or for the prohibition thereof; and

Whereas, the Department of Banking is charged with the supervision of institutions engaging in fiduciary relationships, viz., bank and trust companies and trust companies, and is peculiarly fitted, by possession of data concerning such investments, as well as knowledge of the practices and procedure in vogue in the past in respect to such investments, to conduct such an investigation as will

make available to this House the data essential to a full consideration of the grave questions involved:

Now, therefore, be it

Resolved, That the Department of Banking of the Commonwealth, be and it is hereby directed to make a study of the field of investments for trust funds and other funds held in a fiduciary capacity, viz., funds held by trustees, executors, administrators, guardians, or other fiduciaries insofar as the same shall pertain to

(1) undivided interests in mortgages;

(2) undivided interests in other securities;

(3) undivided interests in pools or funds of mortgages;

(4) undivided interest in pools or funds of other securities;

(5) undivided interests in pools or funds of mortgages and other securities; and of the administration of such investments by bank and trust companies and trust companies in this Commonwealth; and

Resolved, That the Department of Banking of the Commonwealth prepare a report, to be submitted to the House of Representatives of the next regular session of the General Assembly, embodying such information as is necessary to the proper consideration of these questions in the light of the preamble of this Resolution, as well as other questions pertinent thereto; and

Resolved, Tha the Department of Banking submit with such report its recommendations in the premises; and

Resolved, That a copy of this Resolution be forwarded by the Chief Clerk of the House of Representatives to the Department of Banking.

Referred to the Committee on Rules.

STATEMENT BY MR. REISING

Mr. REISING asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, in the interest of a public need and in the interest of fair play and legislative justice, also Mr. Speaker, in consideration of fair play and honesty of the advocates of House Bill No. 255, which has been in the hands of the Committee on State Boards since January 19, 1937, a period of four months, I hereby offer the following resolution.

RESOLUTION TO DISCHARGE COMMITTEE

Mr. REISING offered a resolution which was read by the Clerk as follows:

In the House of Representatives, May 18, 1937.

Resolved, That the Committee on State Boards be discharged from further consideration of House Bill Number 258 entitled, "An act relating to and regulating the practice of the healing profession of chiropractic and the licensure and registration of practitioners therein; creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction; defining its powers and duties; and providing penalties," said bill having been in the hands of said committee ten days and more.

On the question,

Will the House adopt the resolution?

RESOLUTION LAID ON TABLE

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that the resolution be laid upon the table.

On the question,

Will the House adopt the resolution?

The yeas and nays were required by Mr. REISING and Mr. NAGLE.

Mr. NAGLE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—81

Arnold,	Gerard,	Muir,	Stockham,
Baine,	Gillette,	Munley,	Strode,
Baker, F. T.,	Habbyshaw,	Murrin,	Toole,
Baker, J. J.,	Hall,	Ominsky,	Trout,
Bohn,	Hamilton, R. S.,	Patterson, J. W.,	Turner,
Boltz,	Hays,	Powers,	Vallbus,
Boose,	Hindman,	Sarraf,	Wall,
Boyer,	Holstrom,	Schrock,	Wampole,
Brancato,	Horting,	Schumacher,	Watkins,
Cadwalader,	Keenan,	Serrill,	Webster,
Chervenak,	Kelso,	Shaw,	Weidemann,
Cohen, H. B.,	LaRue,	Shea,	Weiss, S. A.,
Coleman,	Leisey,	Shepard,	Welsh,
Coolahan,	Long,	Shoemaker,	Whalen,
Corrigan,	Longaker,	Siegel,	Winner,
Davies,	McDermott,	Simon,	Wood,
Donohoe,	McKinney,	Sloan,	Woodside,
Dougherty,	Melchiorre,	Smith, John A.,	Yeakel,
Downey,	Merrell,	Snyder,	Zappala,
Eckels,	Mihm,	Stewart,	Furman,
Flannery,			

NAYS—46

Alexander,	Hering,	Moomaw,	Rothenberger,
Allen,	Holland,	Moran,	Skale,
Cohen, R. E.,	Huntley,	Nagel,	Smith, James A.,
Costanzo,	Levy,	O'Connor,	Spengler,
Dickinson,	Lewis,	Ostroff,	Stank,
Dubbs,	Lovett,	Pearson,	Thomas,
Falkenstein,	Marino,	Pershing,	Tumelty,
Fitch,	Matthews, J. F.,	Preston,	VanAllsburg,
Gorski,	McCullough,	Readinger,	Wagner,
Hagerty,	McElroy,	Reese,	Walsh,
Harkins,	McFall,	Reising,	Wright,
Harmuth,	McShane,		

So the question was determined in the affirmative and the motion was agreed to.

RESOLUTIONS

Mr. JAMES A. SMITH offered a resolution which was filed with the Clerk under the Rules.

Mr. SAMUEL A. WEISS offered a resolution which was filed with the Clerk under the Rules.

BILL ON SECOND READING

Mr. LEWIS asked and obtained unanimous consent to call up out of order House Bill No. 1650, Printer's No. 940, on page 8 of today's calendar, bill on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1650, as follows:

An Act creating in counties of the first class the position of Bail Approval Commissioner prescribing the powers and duties thereof limiting jurisdiction to cases in which read property is offered as bail and conferring and imposing such powers and duties upon the controllers of counties of the first class providing for the appointment by such Bail Approval Commissioner certain necessary clerks and employes and prescribing the duties on Judges of the Court of Quarter Sessions and Oyer and Terminer and upon magistrates in counties of the first class and requiring all departments of counties and cities of the first class to supply certain information prescribing offenses and providing penalties therefor

Section 1 Short Title Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Bail Approval Commissioner Act"

Section 2 Definitions The following words terms and

phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Commissioner" a bail approval commissioner or any authorized employe thereof

"Lien" any mortgage judgment delinquent tax municipal assessment charge or lien and any temporary lien such as bail previously offered and accepted and still in force.

Section 3 From and after the effective date of this act the controller of any county of the first class shall be a bail approval commissioner who shall have jurisdiction in cases where real property is offered as bail and shall have all the powers and duties hereinafter provided in this act For the purpose of carrying out the provisions of this act the commissioner is hereby authorized and empowered to appoint any necessary employes clerks assistants not to exceed four in number the annual salary or compensation of any such assistant or employe shall not exceed the sum of two thousand four hundred dollars ($2,400)

Section 4 The Commissioner shall maintain within the office of the controller of any county of the first class a complete and exact record by street address of all properties and the improvements thereon appearing on the records of the Board for the assessment and revision of taxes of such county of the first class The record of each property shall contain the following information

(a) The street address thereof and a brief description

(b) The last assessed valuation thereof

(c) The registered liens including any prior bail offered and accepted and still in force

(d) Any delinquent taxes and

(e) Such other information as the commissioner shall deem necessary and desirable for carrying out the purposes of this act

Section 5 From and after the effective date of this act it shall be unlawful for any judge of any county of the first class or any magistrate of any county of the first class to accept real property as bail for the release or discharge of any prisoner or prisoners charged with the offense unless such bail shall have been approved by the commissioner in accordance with the requirements of this act

In all cases where bail is required for the release or discharge of a prisoner or prisoners in counties of the first class any party desiring to enter such bail in the form of real property shall personally appear before the commissioner and present the deed or other evidence of title to the property offered as bail whereupon the commissioner shall examine the records provided for in this act and shall determine the equity or value of the property over and above and in excess of the total amount of any liens as defined herein If the amount of such equity or value equals or is in excess of the total amount of the necessary bail the commissioner may then approve such property as bail and shall then cause to be issued a certificate in duplicate the original of which shall be given to the bondsman or other person presenting the property as bail and the duplicate of which shall be retained by the commissioner and entered against the record of such property herein provided for Such certificate shall contain on its face

(a) the address of the property or a description of the other security which is offered and accepted as bail

(b) the name of the registered owner and the assessed value

(c) the amount of liens appearing on the records herein provided for

(d) the amount of the equity and value upon the basis of which such property is approved as bail

(e) the name of the defendant and prosecutor of the case action or proceeding for which the bail is required

(f) and shall contain the certification of the commissioner that the property has been approved as bail and all such certificates shall be returned to the bail approval commissioner within forty-eight hours after the acceptance of such bail

The original of such certificates shall be presented before the proper judge magistrate or other judicial officer who shall sign such certificate and certify thereon the date on which the property has been accepted as bail

The sum of fifty cents ($.50) shall be paid as a fee for each certificate issued by the commissioner as hereinabove provided for the use of such county of the first class

Section 6 All departments of counties and cities of the first class shall promptly supply to the bill approval commissioner all the information requested by him

Section 7 All acts or parts of act inconsistent herewith are hereby repealed

Section 8 The provisions of this act are severable and if any of its provisions shall be held unconstitutional decision of the court shall not effect or impair any of the remaining provisions of this act It is hereby declared to be of legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEE:

Miss BRANCATO, from the Committee on State Boards, reported as amended, House Bill No. 1618, entitled:

An Act providing for the establishment of a State Youth Commission and local Youth Commissions, prescribing their powers and duties.

Mr. ROBINSON, from the Committee on Highways, reported as committed, House Bill No. 1482, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the Counties of Lackawanna and Wayne.

Mr. DAVIES, from the Committee on Highways, reported as committed, House Bill No. 1916, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon: authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," as amended, by adding certain new

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routes, changing certain routes, and providing for the relocation of city streets which are State highway routes.

Mr. LOVETT, from the Committee on Highways, reported as amended, House Bill No. 2010, entiled:

An Act to amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second classA, and thir class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended; by changing certain routes and adding certain new routes.

Mr. FLINCHBAUGH, from the Committee on Highways, reported as amended, House Bill No. 2012, entitled:

An Act to amend section of the act, aprpoved the first day of June, one thousand nine hundred and thirty-three, (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," as amended; by changing certain routes and adding certain new routes.

Mr. MURRIN, from the Committee on Highways, reported as amended, House Bill No. 1801, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Mr. OSTROFF, from the Committee on Corporations reported as committed, House Bill No. 2339, (Senate Bill No. 995), entitled:

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

Mr. MURRIN, from the Committee on Highways, re-reported as committed, House Bill No. 86, entitled:

An Act to establish as a State highway a certain section of public road in the County of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth.

Mr. HINDMAN, from the Committee on Boroughs, re-reported as amended, House Bill No. 270, entitled:

An Act to amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," regulating and limiting the use of revenues derived from the operation of water-works.

Mr. TURNER from the Committee on Highways, reported as committed the following resolution which was read by the Clerk:

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 12, 1937.

Whereas, There is a National Movement to name a trans-continental highway as the Grand Army of the Republic Highway, and

Whereas, Several other states have already designated in their states such a highway which connects up with United States Route Number six in Pennsylvania, therefore be it

Resolved, (if the House of Representatives concur) that the General Assembly requests the Secretary of Highways in the exercise of the powers conferred upon him by law to change the name of the highway known as United States Route Number six to the Grand Army of the Republic Highway.

Resolved, That a copy of this resolution be transmitted to the Secretary of Highways by the Chief Clerk of the Senate.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clrek inform the Senate accordingly.

LEAVE OF ABSENCE

Mr. WESTRICK asked and obtained leave of absence for himself for the remainder of the week on account of illness in the family.

ANNOUNCEMENT

The first and final game of the great series between the Freelancers and Shackled men of the House will be played on Tuesday, May 25, 1937. The scene of battle has not yet been definitely selected, but notice will be posted in

due time. Candidates will report to Rep. Bohn and O'Keefe, respective chairmen of the warring factions. If there is sufficient demand, the clowns will have a chance to do themselves proud in a separate encounter.

Since the news of the great game first leaked out from Speaker Furman over the loud speaker system, reports have been sent in to your correspondent from all over the State.

It is reliable reported that "Babe" McElroy, the heavy hitting short-stop of the Freelancer's team, will be laid up for the next three weeks, due to over exertion in practicing for the game. He was going strong with his swinging of a pullman car door, when a husband espied his flushed face and sent the Babe scurrying home.

"Mordecal" Moran, the Pittsburgh red-head, has been taking daily work-outs at the Senate Hotel. He reports that his arm is in fine shape, and that his famed "Carnegie" curve is breaking sharply.

"Hippo" Turner reports that his weight is down to 314¼. He states that he dropped 50 pounds during his terrific debates on the floor. He and "Shanty" Alexander, who caught everything that Brother Simpson threw at him in the shoe-string district recently, having been working out together on the road between the Bolton and the Penn-Harris.

"Pop" Schor reports that he took a little practice between milk bottles during the past week.

"Slim" McGee, who has been batting around "1000" during the past few months, predicts that he will be at his best for the fray, provided his eyes are open.

Charley "Jack Doyle" Melchiorre, famed betting commissioner, is laying odds that either one team or the other will probably win. The present quotation is 3¼ to½, with no takers.

Joe "Legs" Bradley will donate one pulmotor or inhalator for the first man to hit a home run.

High Commissioner David L. Lawrence has appointed the Mesdames Horting and Brancato as umpires. The teams are to be reminded that they have the eternal prerogative to settle all disputes in the ancient and honorable manner of pulling hair, etc. etc. etc. The first assistant umpire to call strrrrrikes will be Jerry Jirrrrrrolanio.

Pee Wee Wagner, the mity centre fielder, who starred in the old Three Eye Leagu in 1883, will be out there coaching at second base for the Shackled men.

"Judge" Welliver, will make the presentation address to the winning team, as the sun kisses the hill tops of Dauphin County.

ANNOUNCEMENTS BY THE CLERK

The following committee meetings will be held tomorrow:

Agriculture at 11 a. m. in Room 521.
Banking at 11:30 a. m. in Room 325.
Cities at 11:30 a. m. in Room 100.
Constitutional Amendments at 12:45 in Room 324.
Counties at 11:00 a. m. in Room 324.
Education at 10 a. m. in the House Caucus Room.
Judiciary General at 12 noon in Room 325.
Labor at 12 noon in Room 521.
Public Utilities at 12 noon in Room 101.
State Boards at 12:15 in Room 100.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that notices of committee meetings have been placed upon the bulletin board near the postoffice. The members should ignore those notices for the present. Only the announcements by the Clerk are official.

ADJOURNMENT

Mr. HESS. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 12.01 a. m.) the House adjourned until Wednesday, May 19, 1937, at 1:00 p. m.

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